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No. 143 Five Enclosures.

Legation of the United States.

Peking, October 18th, 1882.

DEPARTMENT OF STATE DEC 1 1882 RECEIVED

John Russell Young to the Secretary of State.

Subject.

Cotton yarn factory at Shanghai.

Synopsis.

Recites the efforts of Mr. Wetmore to establish a company at Shanghai and the interference by the Chinese Authorities. Such interference in plain contravention of treaty provisions. Has asked the early and serious attention of Prince Kung to the case. States the general

general attitude of the Chinese Government in regard to foreign manufactures in China, as shown in Mr. Holcombe's " despatch number 92. of April 29th " 1882. to the Department. Grave issues involved in the question.

No. 43. Five Enclosures.

Legation of the United States.
Peking, October 18th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

On the 21st September, I received from Mr. Cheshire, Acting Consul General at Shanghai, a despatch which I enclose 1/43. Mr. Cheshire recites the fact that Mr. H. S. Wetmore, an American citizen resident at Shanghai and doing business there, had organized a company for the manufacture of cotton yarn. In doing this Mr. Wetmore and his associates acted under

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the laws, and in the enjoyment of a right which they believed to be secured to them by treaty. Shares were issued. Deposits were paid by shareholders to the amount of one hundred thousand taels, and the company was about to embark in active business. Thereupon a notice appeared in a Chinese newspaper to the effect that Mr. Wetmore's proposed company was illegal in this, that it was in contravention of a monopoly for the manufacture of cotton cloth which had been granted for ten years to a Chinese company by the Chinese Northern Superintendent of Trade.

Chinese

Chinese investors were forbidden to take shares in Mr. Wetmore's company "as it never would "be permitted to go into operation."

As many of the shareholders were Chinese, and as this announcement inspired a sentiment of distrust, Mr. Wetmore's enterprise came to a standstill and entailed upon him pecuniary loss. Mr. Wetmore asked the intervention of the Acting Consul General. That officer reports to the Legation that he called upon the Taotai and presented the case. He pointed out to the Taotai that many branches of manufacture had been established by foreigners

foreigners in Shanghai, and that Mr. Wetmore had, in addition to his legal rights, only followed many precedents in forming his company.

The Taotai informed Mr. Cheshire that he was acting in obedience to the Minister & Superintendent of Northern Trade, and that his orders made it incumbent upon him to issue a mandate forbidding Chinese to invest in the shares of Mr. Wetmore's company.

The Taotai gave Mr. Cheshire a copy of the decree, a
2/43 translation of which I enclose and which presents the Chinese case. It is written by Chang,

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at present Minister Superintendent of Trade, as well as Viceroy of Chihli, who succeeded Li Hung Chang when that statesman went into mourning. In this decree the Minister Superintendent states that Li Hung Chang, his predecessor had, in view of the difficulties attendant upon any new business enterprise, and as encouragement to a manufacturer, granted to a Chinese company the exclusive right to manufacture cotton cloth in Shanghai for ten years, and that he had done so under "the patent law existing "in Western countries." This concession was submitted to

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the Throne and had received the sanction of the Emperor. The Minister Superintendent refers to the embarrassments accompanying the efforts of his company to manufacture cotton cloth partly from the character of the native cotton, partly from the want of experienced artizans and proper machinery. An American named Klanforth "a diligent "and careful man" had therefore been employed to look into these difficulties, and the results of his efforts is that Mr. Klanforth believes he can by an improved loom and other processes make good cloth

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out of native cotton. Orders had accordingly been given to carry on the enterprise when "all of a sudden" His Excellency learns that another "factory" is announced in competition. His Excellency does not overlook the fact that, while his monopoly covers the manufacture of cloth, the company of Mr. Wetmore simply contemplates the manufacture of cotton yarn, branches of industry as far apart as making shoes and tanning leather. But he meets this difficulty by the ungracious intimation that Mr. Wetmore and his associates have "clearly avoided styling theirs a

cloth

"cloth factory with the intent
"to covertly subvert" Chinese
interests. H. E. feels that if
the new company is not "
suppressed his "labor and
"trouble will be wholly spent
"in vain". Its success would
"prove greatly detrimental to
"commercial interests in China".
The Taotai is therefore ordered
to take necessary steps to "
suppress the new company and
protect the monopoly.

3/43. The case of Mr. Wetmore
is presented fully and clearly
in letters from that gentleman
which I enclose. Mr. Wetmore
is the head of one of the "
largest mercantile houses in
China

China, and a merchant of high standing. Before starting his company he called upon Mr. Henny, the Consul General, and was informed by that gentleman that there was no reason why it should not be organized, and mills erected in Shanghai for the manufacture of cotton yarn. Mr. Cushman recites at length the obstacles thrown in his way by the Chinese, to which I allude above in referring to the despatch of Mr. Cushing. He avers that the effect of the Taotai's action has been to bring the "enterprise to a deadlock", and, unless he can have assurance

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of protection, he is afraid he "will "be compelled to abandon the project "altogether." Such an ending he fears would result in "serious "consequences." He had been acting in good faith as a business man seeking an honest business purpose. He had the assurance of protection from his Consul General. Under this assurance two thirds of the shares had been allotted, and machinery telegraphed for. There had been estimates for building and negotiations for land. Mr. Wetmore points out that foreign manufactures of acids, brick, leather, flour, iron ware

iron ware, matches, glass, and paper have been permitted in Shanghai. He naturally sees no reason why cotton yarn should be prohibited.

A further despatch from Mr. Cheshire dated September 23rd recites certain facts and rumors in reference to the Chinese company monopolized by the Government to show that it is not upon a solid foundation, does not enjoy the confidence of the Chinese, has never gone beyond an embryo condition, has done nothing in the way of manufacture, and, apparently, has 4/43.

has no existence or value. Although these rumors have no bearing upon the point at issue as to Mr. Wetmore's rights under the treaties, they have some interest as a part of the history of the case.

I have given the subject careful attention, anxious to secure Mr. Wetmore his rights, and anxious also not to do anything that might appear like an attempt to interfere with the internal affairs of China, and especially with any sincere effort on the part of Chinese officials to create new branches of industry,

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an effort which I would support with entire respect and sympathy. With this view I read with care the order of the Minister Superintendent of Northern Trade considering every argument advanced by him, with interest and in a friendly spirit. But the case appears to admit of no cavil. The right of Mr. Wetmore is assured by treaty. There is no special provision in any convention between the United States and China, but the French Treaty contains an express stipulation which Mr. Wetmore enjoys under the "favored nation" clause. In the convention

signed

signed at Tientsin June 27th, 1858. and ratified in Peking October 25th, 1860. between France and China there is this provision:- "French subjects "and their families may establish "themselves and trade or pursue "their avocations in all security, "and without hindrance of any "kind, in the ports and cities "enumerated in the preceding "article." In the treaty signed at Peking November 2nd, 1865. and ratified at Shanghai October 27th 1866. between China and Belgium occurs identically the same provision.

Feeling therefore that Mr. Wetmore had been denied his undoubted

undoubted rights as an
American citizen and that the
arguments of the Minister
Superintendent were untenable,
I addressed a despatch to
Prince Kung, which I enclose, 5/43
calling the early and serious
attention of H. I. H. to the
subject. I pointed out the
exact position of American
citizens in China under our
treaty as well as their conceded
rights under international law.
I held that the "monopoly"
granted by the Superintendent
of Northern Trade was void, as
contrary to law. I reminded him
that in the United States
Chinese subjects had engaged
in

in many kinds of manufacturing and mercantile pursuits from which they had gained large profits, and that Mr. Wetmore was only asking a privilege and a right which had been given in America to a multitude of the Prince's countrymen. I might also have shown the detriment to the best interests of China of the adoption of any system of exclusion or monopoly such as was proposed in Shanghai, that, instead of benefitting manufactures, it would stifle them, and that it was a violation of the modern laws of practical economy.

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As the question will lead to further discussion, however, it seemed best to reserve these considerations, and rest our case upon our undoubted treaty rights.

As illustrating the possible ruling of H.I.H, upon the question thus presented to him, I would call your attention to the despatch of my predecessor, Mr. Holcombe, & number 92., dated April 29th, 1882. In this despatch, Mr. Holcombe sends to the & Department copies of correspondence between Mr. von Brandt, the German Minister, as & representing the Diplomatic

Body

Body, and the Foreign Office upon a case somewhat akin to that of Mr. Hetmon. The result of this correspondence as summarized by Mr. Holcombe was that the Chinese Cabinet contended, first, that foreigners had no right to engage in manufacturing operations in China, and, second, that if they did so, goods so manufactured must invariably be exported and could not be sold. "In the "opinion of the entire Diplomatic "Body", Mr. Holcombe continues, "there is no treaty stipulation "which can furnish a just basis "for either of these assumptions."

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The apprehension was also expressed that there "was no "present prospect of reaching "a satisfactory arrangement."

I attach much importance to this case because it will revive in a practical shape, and as directly affecting American rights, the serious problem referred to by Mr. Holcombe and which has been in abeyance since the date of his despatch. As Mr. von Brandt had presented the former case on behalf of the Diplomatic Body, I had a personal conference with him upon the present one. Mr. von Brandt agreed with me as to the rights

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of Mr. Wetmore, and said that he would support any representation our Legation would make to the Imperial Cabinet. I found Mr. Grosvenor, Acting Minister for Her Brittanic Majesty, of the same mind. If there should be any difficulty in convincing the Cabinet of the error which has been committed by the Minister Superintendent in dealing with Mr. Wetmore, my belief and hope is that the Ministers of the Treaty Powers will unite with me in a general statement of our case, and insist that the real point at issue is not one merely affecting a commercial enterprise

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in Shanghai, but one that rests at the foundation of all commercial and business relations between Chinese subjects and the citizens of the Western nations whose capital, enterprise, industry, and genius have done so much to give to China the benefits of an advanced and enlightened civilization.

I have the honor to be,

Sir,

Your obedient servant,

Jno. Russell Young.

Enclosures.

Enclosures.

1. Mr. Cheshire to Mr. Young.
No. 101. September 12th, 1882.
2. Order by Northern Superintendent of Foreign Trade.
3. Mr. Cretmore to Mr. Young.
September 13th – 18th, 1882.
4. Mr. Cheshire to Mr. Young.
No. 105. September 23rd, 1882.
5. Mr. Young to Prince Kung.
94/1882. October 13th, 1882.

Despatch No. 43.
Enclosure 1.

Mr. Cheshire to Mr. Young.

No. 101.

Shanghai, September, 12th, 1882.

Sir,

I have the honour to bring to the notice of Your Excellency a question of some importance, and one which I think can only be satisfactorily determined at Peking. The question to which I allude is the formation by foreigners of Public Companies for the manufacture of articles from native products.

Mr. W. S. Whetmore an American and head of the firm of Frazar & Co., and Mr. J. F. Grant, some time ago started a company for the manufacture of Cotton Yarn; shares were allotted and deposits made to the extent of about Tls 100,000., everything appeared to be going well when there appeared a notice in the "Shen Pao" to the effect that as the Shanghai

Cotton

it, even though there were Chinese shareholders interested in it. I pointed out the fact that there were Silk Filatures which had been established in Shanghai by foreigners in which Chinese held shares, and that a Tannery Co., had been started in the same way, and in view of these precedents Mr. Wetmore was perfectly justified in floating his Company, which was for the manufacture of Cotton Yarn, an industry which if developed would conduce largely to the prosperity of the Country, and the fact that there were Chinese shareholders in it was proof that they took an interest in the undertaking. I also explained that the notice referred to the Company as having been started by Chinese and put under a foreign name, —

which

which was not the case, that Mr. Wetmore had established it, and Chinese had invested in shares, the same as in other companies.

With a view of obtaining the text of the concession to the Shanghai Cotton Mill Co., and to have an official record of same I addressed a note to the Taotai on the 10th inst., referring to the notice which appeared in the "Shen Pao" and requested him to send me a copy of the communication received from the Northern Superintendant of Trade. I have just received a reply enclosing the document, a copy of which I beg to enclose. I should have sent you a translation but being very much pressed I have not the time to make one.

I had a further conversation with the Taotai last Saturday, when he informed me that so far as the Chinese shareholders

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in Mr. Wetmore's Co.,) were concerned he would be obliged to carry out the instructions of the Minister Superintendant of Northern Trade, and that he had issued prohibitory notices to three of them through the Mixed Court Magistrate. I enclose copy of a letter which I addressed to the Taotai to-day and also copies of two other communications which I received from Mr. Wetmore upon the subject, one dated the 9th and the other 12th September, which fully explain the case.

You will observe in his last letter that if possible Mr. Wetmore would like to secure a special grant from the Chinese Government to work the Yarn Co.,

It seems to me that Mr. Wetmore's case is a good one; if a monopoly had been granted by the Chinese Government to the Cotton Mill Co., to the exclusion of

all

all other like enterprises, this fact should have been known. Then again other companies have been started by foreigners against which no opposition has been made by the Chinese Officials.

I trust that Your Excellency will be able to bring about a speedy and satisfactory adjustment of the matter and that Mr. Wetmore may be allowed to carry out the enterprise he has undertaken.

I am &c

(Signed) J. D. Cheshire
Vice Consul General in Charge

Enclosures.

Three letters from W. S. Wetmore, Esq.
Letter from Mr. Cheshire to Taotai.
Copy of communication from Minister Superintendant of Northern Trade to Taotai.

Mr. Wetmore to Mr. Cheshire.

Shanghai, 8th Sept., 1882.

Sir,

Some time before the departure of Mr. O. N. Denny I had in hand the formation of a company for the manufacture of cotton yarn from native cotton, at this port, an industry that has never been undertaken here, and which if developed would conduce largely to the prosperity of the country.

I had several conversations with Mr. Denny on the subject, and was informed by him there was no reason whatever why I should not go on with such an enterprise and establish mills for the purpose on any convenient site in the vicinity. I accordingly organized a company with a capital of 300,000 taels and shares for the full amount was subscribed.

scribed for and about one third of the money already paid in when in the issue of the native paper "Shen pao" on the instant an article appeared to the effect that in the formation of this company was an infringement of the rights of a certain other company to which it was stated a monopoly for the manufacture of cotton fabric in China had been granted for a period of ten years.

This article without any signature was given simply among the news items, but was furnished to the paper by the principal party interested in the company claiming the monopoly, and evidently for the purpose of intimidating the intending shareholders and preventing them from paying up their subscriptions, and this is precisely the effect that has been produced, so that at the present time

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the formation of the company is brought to a deadlock and unless the statements in the article can be immediately contradicted in some way, I am very much afraid I will be compelled to abandon the project altogether. I am committed to such an extent with reference to the company that such a result would have serious consequences for me, and I am anxious to make use of every lawful means to meet such a failure of the Enterprise.

With regard to the company claiming a monopoly I know nothing at the time I commenced the formation of the one I have in hand, nor was I aware any company was in existence claiming such an exclusive right until the article referred to appeared in the Sun, nor do I know anything about it now except a vague re-

port

port that some special privileges was granted to some company several years since for the manufacture of Cotton cloth but so far as I can learn no practical steps have thus far been taken to carry out the enterprise.

My contention in the premises is.

1st. That there is no law or usage in China authorizing the issue of such an exclusive privilege or monopoly (as that claimed) to any person or company.

2nd. That if there were it should be done as in other countries — under letters patent so as to give notice to the world and fair warning to others contemplating similar enterprises.

3rd. That the exclusive license for the manufacture of cotton cloth — could not be construed to embrace Cotton yarn.

H.

4th that therefore in alleging a monopoly to which they were not entitled lawfully and publishing the same for the purpose of interfering with the carrying out of our company the practice therein implicated has inflicted on myself and those interested with me a serious injury for which they should be held accountable.

I am informed and believe that the Chinese officials generally are very desirous to develope manufacturing industries in this country by which their raw materials can be converted by machinery into fabrics which have a large consumption here, and in no direction is there such a field for such operations as in the use of raw cotton which is produced in very large quantities in this portion of the Empire.

It is stated that the company

claiming

claiming exclusive privileges as aforesaid has or proposes to have a capital of $400,000 with such a capital the production of cotton-goods would be so insignificant in comparison with the enormous quantity used and imported here that it would not be worth even a mention. In the stabilities of trade it would occupy no perceptible position when it is considered that cotton fabrics are imported into China yearly to the extent of about 15,000,000 pieces worth over $25,000,000 — and cotton yarn exclusively from England and India to the extent of 150,000 piculs worth 4,000,000 taels it will be seen how insignificant would be the production of a company which could not work up more than 30 piculs of cotton per day.

The granting of a monopoly

to

to such a company would be tantamount to the prohibition of the manufacture altogether and it would be the same if the company had twenty times that capital. If therefore the rulers of China are really desirous to see factories springing up for the manufacture of one of their most important staples, they have taken a most effective step to prevent the carrying out of their own views, assuming they have made such a concession as is claimed and that it could be maintained as against all others desiring to enter the field, as not only would it exclude others, but those who claim to hold the privilege do not seem to have taken any effective steps to carry it out.

When the field is so extensive there is room for not one company alone, but for hundreds, and I am

safe

safe in saying that ours would have no more effect upon the success of the other company than if instead of making yarn we were to make some article of an entirely different material and nature.

In asking your assistance in this matter therefore we are claiming nothing that interferes with vested interests or inflict an injury on any one. We are asking nothing that we are not satisfied we are fully entitled to and will therefore be greatly obliged if you will render us such assistance as may be in your power as early as possible so that we may be able to give an authoritative contradiction to the article in the Shen pao referred to; and at the same time have the means of satisfying the shareholders in the company that no official interference with the

Enterprise.

enterprise need be feared

I am &c.

(Signed) W. S. Wetmore.

Mr. Wetmore to Mr. Cheshire.

Shanghai, Sept. 9th, 1882.

Sir,

I am sorry to trouble you again in the matter of the Company formed by me for the manufacture of cotton yarn, but the situation appears to be so critical as to call for such immediate action as may be possible to protect my interests and those of the parties associated with me in the Company.

I hoped your visit to the Taotai would have tended to neutralize the effect of the article in the Shen pao to which I called your attention, but so far from this being the case not only has the payment of subscriptions been stopped, but several of the principal shareholders are in great fear owing to reports that they are to be

prosecuted

prosecuted before the Mixed Court, and unless steps can be taken at once to restore confidence I fear the company will be broken up altogether.

Though the article in question appeared in the Shenpao simply as a news item, it is known to have been furnished by the Manager of the China Telegraph Company, and probably in consequence of the use of certain forms of expression which a private Chinaman would not venture to employ without some show of authority, the article carries a weight for the purpose intended probably as great as if it were an official communication.

Even if exclusive right or permission has been given to any person or company to manufacture cotton no legal action could be taken against me or

any

any one else for an infringement of that permission until I had actually commenced the making of the goods, I would have a perfect right to form a company, dispose of shares, purchase land, erect buildings, set up machinery and start it, and no infringement of rights could be set up and established until I actually commenced the production and sale of the manufactured article.

The parties interested in the company which has taken this unexpected action against me have, I am informed, taken legal opinions and have doubtless been advised that they could take no judicial measures against us and have therefore resorted to this underhand method to prevent the formation and carrying out of our company.

Being thus attached in a

semi-

semi official way it is my right to demand of the Chinese authorities through you an inspection of the alleged concession for the exclusive privilege of manufacturing cotton under which this interference with the formation of my company has been ventured upon so that in case no such concession has been made with reference to cotton yarn, or in regard to the manufacture of cotton generally, in terms which would render my action an infringement upon any existing exclusive privileges, I can at once have an official contradiction inserted in the Shenpao to that effect, or that in case it does appear such a concession has been made I can take the necessary steps to have its validity contested in the proper quarter and my right or that of any other American to engage in such a business

established

established or the contrary.

I have therefore respectfully to request that you will obtain from the Taotai an official contradiction of the truth of the allegations in the Shenpao referred to, or a copy of the concession under which the claims referred to are put forward so that I may at once be able to contradict the statements myself if they are not true, or take the necessary steps to contest the validity of any exclusive concessions if they have been made and I see.—

(Signed) W. S. Wetmore.

Mr Wetmore to Mr Cheshire.

Shanghai, 12th Sept., 1882.

Sir,

With reference to my letters to you of the 8th and 9th instant and my several consultations with you in regard to the formation by myself of a company for the manufacture of cotton yarn at this port, I understand from you that the Taotai has received from his superior at Peking instructions to inquire into and prohibit the prosecution of the enterprise in view of the fact that exclusive permission had already been granted to another company for a period of ten years to manufacture cloth from native cotton at this place.

As I previously informed you I undertook the formation of my company on the assurance

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of Mr. Denny that he knew of no reason why I should not do so. I have therefore issued shares for more than two thirds of the required capital, have telegraphed to England in regard to machinery, obtained estimates for building, negotiated for land and taken other measures involving much risk, expense and labour. Having now however been informed by you that the Taotai alleges that he has received instructions to the effect that the enterprise if carried out would conflict with certain exclusive privileges accorded to other parties I shall not of course proceed to the erection of mills unless on an investigation of the question it is found that I am entitled to do so and I receive the requisite authority

from

from or through our Legation at Peking. As it is very important that the question should be decided as speedily as possible I have to request therefore that you will kindly lay the matter before the Minister and on my behalf that he will have the subject carefully investigated and if possible secure for me from the proper Chinese authorities the requisite permission to go on with my company and erect mills and proceed to manufacture cotton yarn according to the intentions with which this company has been organized.

In the meantime I must most emphatically protest against any interference with me and my plans in connection with the company, and particularly with respect to the intimidations which the local authorities appear to be resorting to.

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As you are aware that they have written to those of the native shareholders in the company requesting them to withdraw from it, their object being in this way if possible to intimidate the shareholders and thus endeavour to break up the company. Having from the first shown no disposition to take any steps that were not authorized and expressing our willingness to abide by the decision of the proper authorities on a consideration of the facts of the case we have a right to expect that on their side the Chinese Officials will refrain from all underhand and unlawful interference with us or those interested with us. I have already stated what I conceive are our rights which may in my opinion be briefly summarized as follows.

1st – according to the best of my knowledge

knowledge and belief there is no law of this country and nothing in our treaty with China preventing me from forming a company such as I have formed, of selling shares in such a company either to foreigners or Chinese, and with the funds derived from this or any other source erecting and carrying on mills and factories here.

The right has been exercised here for years by others of various nationalities, and the establishments working here for the manufacture of silk, of acids, bricks, leather, flour, iron ware, matches and various other articles prove this. I have never heard of any interference with such establishments and two other companies, one for the making of glass and another of paper have recently been started without let or hindrance

erance. It is not on this ground that interference is attempted, in my case but solely as I understand because another company formed some time since for the manufacture of cotton cloth claims to have received exclusive permission for this manufacture and that it embraces cotton yarn.

2nd. With regard to this pretension, I may say that it appears to be placed by the authorities on the same footing as a patent at home, but it is necessary to say that in this the concession lacks the essential element of a patent and that is of having been "patent". It has not been patent but secret, so secret that the U. S. Consul General knew nothing of it and I venture to say no foreign Consul in China knew of it. Since in my case the very object of a patent has been defeated as I have unwillingly undertaken an enterprise

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in the same direction apparently as the so called Chinese patentee owing to the fact that his so-called exclusive privilege has never been patent. Unless therefore the Chinese Government claims and is conceded by foreign governments the right to grant monopolies and patents without public notice or notice to the officials of foreign governments I do not see how this so called patent can bar me in my enterprise, which was undertaken in good faith without any notice or knowledge that I was infringing anyone's rights, though to make certain there was no obstacle in the way I took the precaution to make particular inquiries of Mr. Denny on the subject.

3rd. Even though the parties claiming a monopoly should

establish

establish their right to the exclusive manufacture of cotton cloth I deny that they have any such exclusive right to make cotton yarn. The right to make cloth no more gives the right to make yarn than that of making shoes gives the right to make leather, that is exclusively, nor would exclusive right to make bread debar anyone from making flour. On the foregoing and other considerations urged I support my right to go on with the company I have formed, the breaking up of which would cause me serious loss. and

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(Signed) W. S. Wetmore.

Mr. Cheshire to Intendant Shao.

Shanghai, Sept. 12th, 1882.

Sir,

Referring to the conversation I had with Your Excellency in regard to the Cotton Yarn Company started by W. S. Fetmore, Esq. an American citizen of the firm of Frazar & Co., I have the honour to inform you that I shall communicate the facts of the case to the U. S. Minister at Peking, with a view to ascertain whether there are any existing laws or regulations in China regarding the formation by foreigners of companies for the purpose of manufacturing native products, as I have no record of any in the archive of this Consulate General.

Pending a reply from the U. S. Minister as to whether the establishment of such companies is an infringement

fringement of the law of China or not Mr. Wetmore will temporarily cease carrying on the company he has formed.

I may inform you that Mr. Wetmore started this company precisely in the same way as other companies have been started of late by foreign merchants for the working of native products and as it is a matter affecting American interests, it is but right and proper that it should be determined in accordance with justice and equity. Mr. Wetmore is a merchant of well known reputation, and he would not have spent the time and trouble he has taken if he thought the carrying out of the undertaking was illegal.

Further, if it is contrary to existing regulations for foreigners

eigners to establish companies in China, may I ask Your Excellency how is it that various companies have been started in Shanghai by foreigners during the past few years and that the Chinese authorities have never taken any action to interdict their operation.

I have &c

(Signed) T. D. Cheshire

U.S. Vice Consul General in charge.

Despatch No. 43.
Enclosure 2.

Copy

Translation of a copy of a communication from Chang, Minister Superintendent of Northern Trade to Shao, Shanghai Customs Taotai.

In the matter of an instruction: Taotai Kung Shen Fu and others connected with the Shanghai Cotton Cloth Company have addressed a petition to me wherein they state that the establishment of a factory to weave cotton cloth by machinery was undertaken some years ago. Previous to the formation of the company, in answer to a petition presented to Li, the late Viceroy and Minister Superintendent of Northern Trade, he, in view

of

of the difficulties attendant upon the initiative of such an enterprise and the great expenses that must necessarily be incurred, granted to the company an exclusive right for a period of ten years, in accordance with the patent law existing in Western countries; their company was allowed to issue shares but no other company was to be organized. Wishing the enterprize to be a success he thus showed consideration for those interested in it. A document wherein was described the concession of privileges as sanctioned by His Majesty the Emperor was sent to it.

The petitioners now learn that

certain

certain persons have induced a foreigner to organize a company within the limits of the Shanghai Settlement with the intent of utilizing native cotton, the Tsung-di-yamên had long ago memorialized the Throne and communications were sent by that Office to the Northern and Southern Ministers, Superintendents of Trade to instruct those connected with the Cloth Company to consider the matter. That the company has not succeeded is owing to the fact that the nature of native cotton is different from that of foreign and inferior to it in softness, tenacity and length of the fibre and that it does not bear

much

much tension when woven on account of its brittleness. For these reasons the officials and merchants petitioned the government authorities on several occasions but failed to carry out the enterprise.

In the spring of the year before last, the petitioner Kung and others received a despatch from the Viceroy Li instructing them to consider the matter and make an endeavour to carry out the enterprise.

Accordingly capital was derived by the issue of shares. With this means we procured samples of different kinds of native cotton and shipped them to factories in foreign countries for the purpose

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of converting them into cloth as an experiment. As a result of the experiment the fabric was found to be poor in quality and unsuitable for the market. After much difficulty in making enquiries with a view to secure the services of one thoroughly experienced in the matter of machinery for producing cotton goods, we again procured native cotton to be shipped abroad for experiment. A telegram from the factory informed us that after repeated trials it was found that native cotton with its own peculiar nature could be converted into cloth after making an alteration in the structure of the loom; and in truth, the goods sent back to us were tolerably

ably good. Thereupon we requested the Chinese Ministers to England and America to engage a first class engineer for us and send him to China so that we could discuss with him fully on the subject. The engineer engaged is an American named Danforth, a diligent and careful man. After having examined the different samples of the said cloth, he said he could not guarantee the production of equally fine goods out of native cotton, for the reason that he had not manufactured them. Therefore, we directed him to take abroad an assortment of native cotton for trial. First, he visited a cotton industri-

al

al exhibition in America and there studied into the most perfect patterns of cotton machinery; then he repaired to factories and machine foundries and interviewed the manufacturers, and made some experiments himself. Later on, we sent our interpreter to America to assist in Mr Danforth's work. A recent letter from our Engineer informs us that the loom, after several improvements made in it, is now adapted to converting Chinese cotton into fabric, the texture of which is much closer than that of the samples sent over to us before; and on receiving the goods we observed they were in fact superior to the other samples.

Now

Now that we have found suitable machinery for the factory, an order has been sent which will be fulfilled and the machines forwarded to us in a year.

We now therefore feel a satisfaction in thinking that we have not gone into all this labour and expense for the past few years to no purpose.

Exercising proper management, it is possible that we shall successfully carry out our enterprise. But all of a sudden even before the establishment of the factory certain persons start a company in competition against us, assuming the name of a foreigner in its manage-

-ment

ment and unlawfully adopt our new plan, thus interfering with our interests. Perceiving the difficulty in attempting to oppose our company, they have cleverly avoided styling theirs a cloth factory with the intent to covertly subvert our interests. With reference to the manufacture of cloth, from extracting the cotton from the seeds to making the cloth the intermediate processes including that of making yarn to be woven into cloth belong to the same branch of industry. Moreover, the cloth company in manufacturing cotton fabric must of necessity manufacture yarn

also.

also. If steps are not taken to suppress the company and its existence permitted to continue, surely all our labour and trouble will be wholly spent in vain, and it would be impossible to say whether the enterprise would succeed or not, and it would prove greatly detrimental to commercial interests in China. As to the promoters of this enterprise, though the names of responsible persons are not known yet we have good reason to believe that the company was incorporated by Chinese and not a project of foreigners. The facts of the case should be clearly

set

set forth and a prohibitory notification be issued everywhere so as to render powerless the efforts of those interested in the Yarn Company and thus restrain them from carrying it into operation. We have already acquainted the Taotai here of the facts of the case and begged him to make further enquiry from time to time concerning the Yarn Company; and we cannot but also petition and pray Your Excellency to look into this matter, and to consider the difficulties merchants have to contend with, and to issue instructions to the Shanghai Customs Taotai to investigate the matter and to prohibit the formation of any company whatever

whatever for the purpose of manufacturing cotton yarn with machinery, so as not to undermine the foundation of the Cloth Company, to the end that it may gradually attain success; and we shall feel our most sincere gratitude for Your Excellency's assistance. Whether such a course should be adopted or not, we humbly await Your Excellency's instructions.—

With reference to this matter laid before me, namely, that pertaining to the establishment of a factory to manufacture cotton cloth with machinery, the Memory Di had already memorialized and received

ceived a decree from the Throne granting to Chinese merchants the privilege to start such a company and issue shares, forbidding the establishment of other companies for a similar purpose within the space of ten years. All processes from extracting the cotton seeds and spinning yarn to weaving cloth are a series of one and the same kind of work.

From the above petition it appears that some persons have organized a yarn company within the limits of the Shanghai Settlement under the name of a foreigner, likewise intending to use native cotton for its manufacture, thereby

thereby unlawfully copying the new plan of the Cloth Company by which means they will rob its interests, infringe upon its rights and cause great detriment to its welfare.

The petitioners are hereby instructed to wait an investigation of the Shanghai Customs Taotai into the case and the necessary prohibition issued and to wait also the instructions of the Southern Minister Superintendent of Trade to the said Taotai in regard to the matter.

The Intendent is instructed to act accordingly and report.

Received.

Kuangsü 8th year, 7th month, 15th day.

Despatch No. 43.
Enclosure 3.

Mr. Wetmore to Mr. Young.

Shanghai, 13th September, 1882.

My dear Sir,

I have communicated with Mr. Cheshire officially and asked him to address you, which I believe he does by this conveyance, with reference to interference on the part of the Chinese authorities at this port with a company which I have organized for the purpose of manufacturing Cotton Yarn here from the native fibre.

Mr. Cheshire I believe sends you copies of the letters which I have addressed to him on the subject to which I would ask your reference for details of the case and will only add a few remarks now which perhaps may throw further light upon the matter.

Before taking any steps for the formation of my company

I consulted fully on the proposed enterprise with Mr. Denny and was assured by him there was no reason within his knowledge why I should not undertake and carry it out. He mentioned to me casually that some years since a company was formed for the purpose of making cotton cloth but he was not aware that any actual progress had been made by them. He further informed me he had seen their agreement, but made no mention of any exclusive privileges which he surely would have done had any such been brought to his notice then or at any other time.

The day before he left having found a site just outside the settlement which would be more suitable for my purpose than any other I wrote to ask Mr. Denny if there could be any objection raised to

the

the site, this being the only point on which it occurred to me that any question could arise, and in reply he wrote me,

"Dear Mr. Wetmore,

"In reply to your in-
"quiry of to day I have to say that
"in my judgement there can be no
"valid reason urged against the
"erection of Cotton Yarn mills on
"the site proposed by you."

"Sincerely Yours
"(Signed) C. R. Denny.
"Aug.st 21st.
"P.S. I should like to write you fully
"giving my reasons &c. if I have
"the time
"(Signed) D."

I therefore proceeded to make my arrangements for the formation of a company, and associated with me as director Mr. P.T. Grant the head of the large engineering firm of Boyd Bros.

We

We proceeded to raise funds, as usual in the formation of public companies, by the issue and sale of shares and had the shares all applied for and more than two thirds of the first call paid up when all further progress was arrested by the most unexpected appearance in the Shenpao of an article to the effect that our company was an infringement of a monopoly granted to another company and warning people not to take shares therein.

This apparently unauthorized intimation has since developed into what appears to be a formidable attack on the company which I have started and whether the object is to suppress this particular company or is a blow aimed at all similar organisations I do not know.

The parties implicated have engaged the services of the

three

three most eminent legal firms here, in fact three out of the four in Shanghai, and are apparently prepared to fight their cause with all the weapons at their command whether fair or foul. Thus far they have made use chiefly of the latter only and in addition to the notice in the paper above referred to the Taotai has addressed three of the principal shareholders by way of intimidation. As neither I nor those connected with me have done or contemplated doing anything that we have not according to the best of my belief a perfect right to undertake, and as I do not propose to persist in any action which on careful consideration by the authorities of the U. S. Government it is decided I am not entitled to take. I have in the meantime to ask that you will kindly investigate

the

the questions at issue as soon as it can conveniently be done and in the meantime secure me and those interested with me from all illegal and improper interference, I have taken no legal advice or opinion on the subject as it appears to be me the questions involved are such as can not be settled here but must be referred to the consideration of yourself and the high Chinese authorities at Peking. If necessary I shall be prepared to go on to Peking but the questions at issue can be settled without the necessity for my doing so. Should the parties who are opposing us raise any questions as to the rights of foreigners to engage in manufacturing enterprises at Shanghai of course the interests of all the nationalities having treaties with China will be involved. - With many apologies for the trouble I am giving

I remain &c -

(Signed) H. S. Wetmore. -

Mr. Wetmore to Mr. Young.

Per "Fungshun"

Shanghai, 18th Septr., 1882

My dear Sir,

Referring to my letter of the 18th instant in regard to the Cotton Yarn Manufacturing Company which I have organized at this place, I must apologise for further troubling you in the matter and trust the deep interest I have in the success of the undertaking will be considered a good reason for so doing. The status of the persons or company which have opposed me and their authority for doing so are according to the best information I can command exceedingly questionable - I am informed on good authority that a quasi-monopoly or some exclusive privilege for making Cotton Cloth was granted about five years ago to a Chinaman named Seng. He formed

a

a company which however broke up before its organisation was fairly completed. Sometime after another company was organized which it is said acquired from Seng his license but I am informed that the transaction was not strictly regular, that is, the license was a personal one and not transferable. At least without the sanction of the authority originally granting it. However this may be and even admitting this the right of the Chinese Government to grant monopolies excluding others from participating in the trade or business affected. I contend

1st. that public notice of such grant should have been given to prevent other persons from embarking in such enterprises and perhaps suffering great pecuniary loss thereby.

2nd. as I have before stated that the

exclusive

exclusive right to make cloth could not confer without express language to that effect being void the exclusive right also to make cotton yarn any more than the right to gin cotton or pass it through any other preliminary process. This view is generally taken here among the Chinese and I have heard of expressions of opinion among those who are supposed to know something of the views prevailing among the high Chinese officials at Peking that my position in the matter is so strong that I cannot be interfered with, and that though a little patience may be necessary to convince the authorities at the capital that I am really in earnest persistence in asking for what I believe to be my rights will eventually induce them to accord me justice in the premises. Even should they eventually decide to restrict enterprise in the way of manufactures

ufactures generally they cannot it appears to me interfere with undertakings which like mine have been entered upon in good faith and without notice that they were interfering with the rights of others in the same direction. I am informed however that some show of opposition is likely to be made at first to my claims as some of the subordinate local mandarins here and perhaps at the North have rather committed themselves in favor of than who are opposing me but that the merits of my case are so clear that any resistance which may be made will be comparatively feeble and trusting I may not be imposing any trouble of magnitude upon you

I remain &c

Signed / H. S. Wetmore.

Despatch No. 43.
Enclosure 4.

No. 105.

Mr. Cheshire to Mr. Young.—

Shanghai, September 23rd, 1882.

Sir,

Referring to my despatch No. 101. September, 12th in regard to the opposition made by the Shanghai Cotton Mill Company, to the Cotton Yarn Company established by Mr. Wetmore. I think it well to lay before your Excellency certain facts which you may think of enough importance to bring them before the Tsung-li-Yamen, as I am led to understand they have been kept secret and as much as possible from the knowledge of the high officials.

Li

Li Hung Chang some five years ago granted a concession to a Chinese official, a Taotai by rank, named Peng chi chih 彭器之 to start a cotton mill company giving him the exclusive privilege of manufacturing cotton cloth at Shanghai, so far as Chinese were concerned. Nothing was done except to waste money on land, and erecting the foundation walls of the proposed factory, when the company came to grief, and Peng became involved in financial difficulties.

About two years ago the present cotton mill (which is opposed to Mr Wetmores Company) was established

tablished under the auspices of several Expectant Taotais Mr. Cheng Tao chai 鄭陶齋 being the principal man; Peng transferred his grant or concession to the new company, but whether it was done with the consent of Li Hung Chang, I am unable to say. I may say however that the land and foundation walls erected by the first company was sold to Cheng Tao Chai 鄭陶齋 about a year ago for ~~Tls~~ 60,000.-, and the property put in the name of an American Mr. R. M. Brown; and registered in the land office of this Consulate General. After the transfer had been made Mr. Brown (

it

(it is supposed at the instance of Cheng Yao Chai) endeavoured to dispose of it by lottery, a few tickets were sold, but as the Chinese Authorities here are opposed to lotteries of all kinds, the Taotai on learning that the property of the Cotton Mill Company was to be disposed of in that way, addressed a letter to Mr. Consul General Denny requesting him to instruct Mr. Brown to close the lottery, which was done.

I do not think A. E. Li Hung Chang is aware of this fact, and in view of the position which the present Cotton

Mill

Mill Company have assumed, Your Excellency may think it advisable to bring this matter to his notice.

I understand that the Cotton Mill Co. have only one third of the capital subscribed; that the Chinese have no confidence in it, and are strongly opposed to the action taken by the manager against Mr. Nelmore's Yarn Company; that the promoters have taken no active management beyond sending a man (Mr. Danforth an American) home to try to get machinery; that they have bought no land for a site, nor taken any active steps to carry out the object of

the

the association.

I am &c

(Signed) F. D. Cheshire

Vice Consul General in Charge.

Copy.

Despatch No. 43.
Enclosure 5.

Mr. Young to Prince Kung.
October 13th 1882.

94/1882.

Your Imperial Highness;

I have the honour to inform Your Imperial Highness that I am in receipt of a communication from the Vice Consul General of the United States at Shanghai setting forth the following facts in a case which it appears to be my duty to bring to your notice.-

Some months since certain Americans and other foreigners established a company at Shanghai for the manufacture of cotton yarn. A large amount of capital was subscribed

subscribed for the purchase of the requisite machinery and other requirements, when, suddenly, just as the company was ready to begin operations, an apparently official notice appeared in a Shanghai Chinese newspaper forbidding the organization of the company on the ground that a monopoly had been granted for this kind of work by His Excellency the Northern Superintendent of Trade to a Chinese Company. The Vice Consul General at once brought the matter to the notice of the Intendant of Customs, who not only confirmed the notice which had appeared in the newspaper but informed Mr. Cheshire that he had

issued

issued orders to certain Chinese who had invested their money in the Company prohibiting them from having anything to do with it. After repeated and unsuccessful efforts to induce the Taotai to reconsider his action, the Vice Consul General has sought my intervention in the business.

After careful consideration of the facts in this case I am forced to the conviction that the course taken by the Customs Intendant at Shanghai is not only contrary to a sound policy but is also a plain violation of the rights secured to foreigners under the existing treaties with China.

Under the provisions of the

French,

French, Belgian and other treaties foreigners are expressly permitted to pursue their various avocations at all the ports open to foreign trade without hindrance or interference from the Chinese Authorities. Merchants, artizans, professional men, and labourers are all free, each to follow his own vocation as though he were in his native land. The meaning of this provision is clear beyond possibility of doubt, and it only need be referred to to prove the Intendant of Customs at Shanghai in his action in the case under review has violated a plain promise made in the treaties between Your Imperial Highness and foreign

Powers.

Powers.

But it is claimed that the action taken by your officer was based upon the assumption that the new company would interfere with a monopoly granted by the Northern Superintendent of Foreign Trade to a Chinese Company already formed at Shanghai.

In answer to this assumption I need only call the attention of Your Imperial Highness to the universally recognized principle of International Law with which Your Imperial Highness is doubtless entirely familiar, that treaties form the supreme law of the land in each of the two countries between which they are concluded, and that neither local

regulations

regulations nor even regulations of the supreme authority itself can be allowed to curtail or contravene the privileges secured by them. Under this principle the monopoly referred to is void and of no effect as it interferes with the treaty provisions mentioned above.

As Your Imperial Highness is aware a very large number of Chinese have established themselves in all parts of the United States in all kinds of manufacturing and mercantile pursuits, from which they have secured to themselves large profits. This has been done without interference

ference or molestation on the part of either the local or general officers of my Government. Your Imperial Highness will assuredly be ready to grant to our people at the open ports in China the same privilege and opportunities which are freely accorded to Chinese subjects in all parts of the United States, and to which the people of either nation have under the treaties a perfect right.

I beg to call the early and serious attention of Your Imperial Highness to this subject, with the hope that you will cause such orders to be sent to your subordinates at Shanghai as will

prevent

prevent further interference on his part with the operations of the company referred to.

Grave ley

(Signed) John Russell Young.

File

No. 44.

Legation of the United States.

Peking, October 20th, 1882.

DEPARTMENT OF STATE
DEC 14 1882
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbers 38. and 39. have been received. Thanks for increasing the Legation allowance for incidental expenses.

No. 44.

Legation of the United States,
Peking, October 20th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of Department instructions numbers 38. and 39.

In relation to the former I beg to express my sincere thanks for the consideration of the Department in increasing the allowance for the incidental expenses of this Legation from $625. to $800.

I

I have the honor to be,

Sir,

Your obedient servant.

Fr. Russell Gray.

No. Unofficial.

DEPARTMENT OF STATE
DEC 1 1882
RECEIVED

Ack. Stimson will be pleased if the despatches should be sent for publication. Feb 20 Dec. 4 1882 Crosby

Note this in preparing For. Rels. 1882.

Legation of the United States,

Peking, October 21. 1882.

Hon. F. T. Frelinghuysen, N. Millard

Secretary of State.

Sir:-

In my despatch No. 34.- dated October 10. 1882, there is an enclosure from W. N. Pethick,- a letter to Li Hung Chang in the opium question. As this letter was a confidential communication to the Viceroy, Mr. Pethick does not wish it to be printed.

In the same despatch are one or two sentences in which I reflect upon the Chinese for allowing their customs officials to support the opium trade. - I would suggest their elimination. While well enough to say to the Viceroy, their publication might lead to unnecessary ill-feeling.

In my despatch No. 43, dated Oct. 18. 1882. about the Cotton Yarn Company, please omit the paragraph before the last in which I refer to the opinions of Mr. Grosvenor the English and Mr. Von Brandt the German minister. For while I quote them cor-

=rectly, it was a private conversation, and they might hesitate to be quoted in print, at least without their permission. Their statement has no value other than that of a confidential communication to the department.

I, am Sir,

Your obedient servant,

Jno Russell Young

Ans'd Dec 20 87 Cr'ster

No. 45. Four Enclosures.

Legation of the United States.
Peking, October 21st, 1882.

DEPARTMENT OF STATE
DEC 14 1884
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Customs case at Kingpo.

Synopsis.

Captain of tug-boat fined at Kingpo for coming from Shanghai without clearance papers. Yamên decline to remit fine, Mr. Young acquiesces in decision. Gives copies of correspondence and requests approval of Department.

No. 45. Four Enclosures

Legation of the United States.

Peking, October 21st, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:

Some time ago I received from Edwin Stevens Esquire, our Consul at Ningpo, a despatch which I enclose. In this despatch Mr. Stevens reported to the Legation that the Captain of an American tug-boat, named the "Fuh li" had been fined 500 taels by the Customs Superintendent at Ningpo for leaving Shanghai without obtaining

1/45.

obtaining proper clearance papers. Mr. Stevens made an application to the Taotai; suggesting a remission or reduction of this fine because of certain extenuating circumstances. Failing to obtain this remission the subject was referred to the Legation.

After careful examination of the question it seemed to me clear that there had been a violation of law on the part of the Captain, and that the "extenuating circumstances" were vague and shadowy. It is the undoubted right of the Chinese Government to manage their Customs in their own way,

and

and to exact from all ship masters and ship owners an observance of their regulations, especially regulations like those now existing in the Empire, which met the approval of the outside Powers. It seemed also that to make a formal demand for a remission of the fine, would be to invite the charge that the Legation was interfering with the administration of Chinese laws. I accordingly requested Mr. Holcombe to present the case to the Yamen in an informal way, and, without making any request, simply throw out the suggestion that, as there had been on the part of

the

the captain of the tug boat, no intention to violate the law, it might be an act of grace to remit or lessen the penalty.

I did not feel that my duty required me to go further than this. The same view I

2/45. repeated subsequently in a letter to Prince Kung, which I enclose. I left the whole matter with the Government.

3/45. His Imperial Highness responded by saying that the fine was one that could not be remitted without detriment to the Customs service. I

4/45. have communicated this decision to Mr. Stevens and consider the question closed.

In

In Mr. Stevens' despatch he protests against the interference on the part of Sir Robert Hart, Inspector General of His Majesty's Customs, claiming that Sir Robert had no right to direct the amount of the fine or to insist upon its enforcement. Mr. Stevens makes an ingenious argument on this point. My opinion is that we have only to deal with the Government of China, that Sir Robert Hart is an employé of this Government, and that it is not for us to enquire how far he, or any other employé, may or may not be responsible for the acts and decisions of

the

the supreme authority. I can see no useful purpose to be gained by pushing the inquiry proposed by Mr. Stevens. It would only lead to a barren and irritating controversy.

Hoping that my action will meet your approval,

I have the honor to be,

Sir,

Your obedient servant.

Thos. L. Gump

Enclosures.

Enclosures.

1. Mr. Stevens to Mr. Young.
No. 12. September 2nd, 1882.
2. Mr. Young to Prince Kung.
Informal. October 7th, 1882.
3. Prince Kung to Mr. Young.
Informal. October 17th, 1882.
4. Mr. Young to Mr. Stevens.
No. 7. October 21st, 1882.

Copy

Despatch No. 45.
Enclosure 1.

Mr. Stevens to Mr. Young.

No. 12. Ningpo, Sept. 2nd, 1882.

Sir,

I have the honour to herewith present a case for your adjudication in conformity with law: that is to say when the Superintendent of Customs and the Consul cannot agree on the amount of fine that should be imposed &c. The first named shall send his statement to the Foreign Office at Peking, and the Consul to his Minister.

1/ — J.

I herewith enclose a copy of the correspondence which has taken place between myself, Mr. J. A. Mackey, Acting Commissioner of Customs at Ningpo. O. N. Denny, Esq. U. S. Consul General at Shanghai. H. E. Ju Chang Intendant of the Ning, Shao, Tai, Circuit and Morris Bro., of Shanghai, owners of the Tug boat called the "Tuk Li" of Shanghai. I submit to your Honor's examination the said correspondence together with my reasons why I do not agree with the opinion of H. E. the Taotai and

Superintendent

Superintendent of Customs.

I wish to state first that Mr. J. A. Mackey, Acting Commissioner of Customs at this port, when the said Tug Boat "Fuh Li" came here without her proper papers from the Customs of Shanghai or the Consul General's Office of the same port, instead of reporting the case, first, to the Superintendent, he immediately reported it to the Inspector General of Customs at Peking Sir Robert Hart. All the laws, rules and regulations in relation to such cases, state that they must be settled between the Consul

Consul and the Superintendent of Customs at the Treaty ports. Mr. Hart as soon as he had received Mr. Mackey's letter, wrote him that the said Tug boat "Fuh Le" must be fined Five hundred Nai Kwan Tails (500) in accordance with the rules which he himself had made. As soon as Mr. Mackey rec'd Mr. Hart's decision, he communicated it to the Superintendent of Customs, the Taotai, and I rec'd from him a request you will find Enclosed. For reasons that I will state, I have not complied with this request. In a personal

interview

interview with H. E. the Tao-tai he has requested me to make a statement of this case to your Honour, and asked that a decision may be made at Peking.

There is, so far as I know no similar case upon which a precedent has been established. I failed to find in the U. S. Consular Regulations or any treaty or rule applicable to this case. But in a book edited by Wm Frederick Mayers, styled "Treaties between the Empire of China and Foreign Powers" on Pages 214 and 215 - there are certain

rules

rules published, and it would seem that the American minister had approved them. If this be correct, I desire to submit my reasons for believing they are in violation of law (and if so void.)

Rutherford Alcock, Esq. in his letter dated, Peking, April, 27th, 1864 states first "That Chinese Government has deemed it necessary on the recommendation of the Inspector General of Customs to frame three Regulations relative to Passengers' luggage, Duty Free Goods, and Steam Tugs to prevent mistakes or disputes &c &c. Mr. Alcock

in

in publishing these rules for guidance of H. B. M's subjects, refers, as you will observe, to the 2nd Paragraph of Clause 2 of Section 85 of the China and Japan Order in Council &c. In vindication of the justice of these rules. They may be in accord with this Clause in Section 85, but in my judgement they are in absolute violation of Section 86. I wish to call your Honour's attention to the fact that in Section 86 in the "Order of Council" upon which Mr. Hart, the Inspector-General of Customs, a British subject, has based the foundation

tion for the rule he prepared for his own service. It states that no such fine, as the one they now desire imposed, shall exceed Five hundred Dollars (#500.-) Rule No. 3. in relation to Steam Tugs which Mr. Hart prepares, says Five Hundred Taels (500). The latter part of Section 86 states a well established principle of common law viz:- "But so that all such Regulations be so framed as to allow in every case of part only of the maximum penalty being inflicted.

Mr. Hart, the Inspector-

General

General of Customs has instructed Mr. J. A. Mackey the Vice Commissioner of Customs at this port to insist upon the maximum penalty which he himself imposes of Five Hundred (500) Nai Kwan Taels. I think I am correct in this view of the case, that there should be gradation in all fines or punishments inflicted for violation of law, and as you will observe by an enclosed Affidavit made by George Mc. Bain and C. A. Mc. Caslin, the latter the captain of the said Tugboat "Fuh Le". There are mediating

circumstances

circumstances in this case. I do not raise the question that they have not violated law, — and should not be fined to a certain extent: But I do question the justice of imposing a penalty which the Inspector General of Customs has arbitrarily made in violation of the law sanctioned and approved by his own Government, and in submitting this case of final decision to Peking, I desire to state that it is with the hearty approval of H.E. the Taotai of this District, as he, as well as myself are simply

desirous

desirous of doing what is just and right. I will further state that I proffered to settle with the Taotai and pay him a sum of Two hundred dollars ($200.) He said he could not receive it for the reason that he did not wish to establish a precedent, but would greatly prefer that I should make a statement of the case to my Minister and let it be decided at Peking. Had Mr. Mackey the Acting Commissioner of Customs here, not have referred it to Mr. Hart, asking if the fine of 500 Hai Kwan Taels should be demanded and the

said

said Mr. Hart replying in the affirmative, H.E. the Taotai would have accepted my version of the law and my proffer of settlement.

On the 22nd of Augst, I made a personal statement to O.R. Denny, Esquire similar to the one I have herein made to your Honour, and although he had written me as it will appear per copy of his despatch No. 134 stating that the Tugboat "Fuhde" was liable to the fine of Taels (500) Five hundred - He regarded this rule as no violation of law, and informed me that it was a well established fact

that

that neither the English Consuls nor the American Consuls settle such cases or recognize the authority of the Commissioners of Customs, but with the Taotais or Officials at Peking who are recognized by our treaties as the proper Officers of the Chinese Government with whom to negotiate. I trust that the case may receive your early attention, and I also trust that my view of the law will meet with your approval

Sam Lee.

(Signed) Edwin Stevens.

U. S. Consul.

Inclosures.

No. 1. To J. H. Mackey, Esq.

" 2. — do —

" 3. From — do —

" 4. To O. N. Denny, Esq.

" 5. From — do. — " —

" 6. — do — Morris Bro. —

" 7. — do — do. —

" 8. — do — A. Feitch, Esq.

" 9. — do — the Taotai

" 10. — do — do —

" 11. — To — do. —

" 12. — To — A. Feitch

" 13. — To — Morris Bro.

" 14. From — do. —

" 15. — do — do —

" 16. — do. — the Taotai

" 17. — To — do. —

" 18. — From — do. —

No. 19. From the Taotai

" 20 To Morris Bro.,

" 21 From do.

" 22 Affidavit

" 23 Enclosures. list of

No. 1.

Mr. Stevens to Mr. Mackey.

No. 126. Ningpo, July, 3rd, 1882.

Sir,

I have the honour to inform you that O. Roberts, master of the Steam Tug "Fuh Li" of Shanghai put into this port this morning for coal. He having been out on a cruize and run short of fuel. I desire you not to detain her. I will stand good for any violation of Customs Law, that he may have committed.

Trusting you will grant me this favour

I remain

(Signed) Edwin Stevens

U.S. Consul.

No. 2.

Mr. Stevens to Mr. Mackey.

No. 124. Ningpo, July, 3rd, 1882.

Sir:-

In consideration of your allowing the Tug boat "Fuh Le" to leave this port, I hold myself responsible for the amount of Haikuan taels 500. being the amount of fine which the "Fuhde" has rendered herself liable to by leaving Shanghai without clearing from that port through the Custom House as provided by the Regulations laid down for the guidance of Tug boats.

I am &c.

(Signed) Edwin Stevens

U. S. Consul.

Mr. Mackey to Mr. Stevens.

No. 20 Ningpo, July, 4th, 1882.
Consuls.

Sir:-

I have to acknowledge receipt of your despatches Nos. 126 & 127, both of 3rd instant, regarding the arrival of the tug boat "Fuh Le" on the same day without a clearance from Shanghai, and advising that you would be responsible for the amount of fine Haikuan Taels 500.- which she had incurred by the breach of the regulations on condition that she was allowed to leave Ningpo.

In

In reply; I beg to inform you that my duty obliges me to report the circumstance to the Inspector General & to solicit his instructions thereon, meantime, as you are aware, the vessel was allowed to leave at once, in terms of your request.

I beg to add that as the whole matter crowded up so suddenly yesterday & the Captain being urgent to get away, I thought it would be speediest in the interests of business & save correspondence, for which there was little time to call upon you personally about it. This I

had

had the honour of doing yester-
day.

Shave Ice.

(Signed) J. H. Mackay.
Deputy Comr. in-charge.

Mr Stevens to Mr Denny.

No. 54. Ningpo, July, 11th, 1882.

Sir; -

Night before last the Capt. of the tug boat "Fuhde" - while lying out at the mouth of the River Woo-sung received an order from the owners to take on board a Chinaman & proceed immediately to Ningpo. He did so. But came in the Ningpo river inside of Chinhai. Mr Mackey the Commissioner of Customs - would not allow him to leave this Port without first producing his clearance from the port of Shanghai. This he could not do

do. And I in order to relieve him & get his clearance, gave them my Bond of Indemnity.

1. for 500. Haikuan Taels. Herewith a copy. I think Mr. Mackey was over zealous in the performance of his duty, of this he must be the judge. I took the action I did, so that the case might be transferred to Shanghai, where the boat is owned, the owners live, and you exist.

I trust my action will meet with your approval. And the owners of the said boat will soon relieve me of my obligation.

I see

(Signed) Edwin Stevens
H. S. Consul.

Mr. Denny to Mr. Stevens.

No. 134. Shanghai, July, 6th, 1882.

Sir:-

I have the honour to acknowledge the receipt of your No. 54 dated July, 4th informing me of the refusal of the Commissioner of Customs to permit the Tug boat "Fuhde" to leave your Port, without first producing the vessels papers and clearance from the Port of Shanghai, and that in order to enable the Tug to leave you gave an indemnity bond in the sum of Haikuan Taels 500.-

In reply I have to say

that

that the action of the Commissioner is in accord with the 3rd paragraph of the Regulations relating to Passengers, Luggage, Duty-free Goods & Steam Tugs. In fact a faithful discharge of his duties made it necessary for him to take the course he did. If the Tug left the Port of Shanghai for that of Ningpo without her papers and clearance, she is liable to whatever fine you & the Taotai decide, she ought to pay not exceeding in sum five hundred taels. The owners of the "Fuh Ai" are familiar with the regulations governing such cases, & why

why they should send a vessel to another Port without sending along her papers & clearance from the home Port, I cannot understand, certainly the law will not excuse negligence in a matter of this kind. In this connection I may mention that this is not the first irregul act on the part of the "Fish de". On the 2nd day of June last the vessel cleared from this Port for that of Chinkiang with C.H. McCaslin an American citizen, master, when she arrived at that Port, I am informed by the U.S. Consul Mr Smithers that the vessel was commanded by a British subject.

In

In justice to yourself as well as other Consuls I cannot approve of your becoming responsible in any way in cases, except officially, this too is all the Government expects or desires.

Of course it was your generosity that induced you to go beyond your official duty in this matter. Suppose the "Fuh Le" was no way responsible to the American flag, you would be liable for the 500 Taels, and at the time the bond was executed you had no evidence of her nationality. That is obtained from her papers & clearance, which she did not have, you acted

Entirely

entirely upon the word of some one on board, & in all probability a foreigner at that, for I doubt if there was an American on board. The vessel's papers are now deposited in this Consulate. C. A. McCaslin, Master. If he was in charge of her when she arrived at Ningpo, then she was properly commanded, otherwise she was in charge of an irresponsible person, so far as the law is concerned. The case is one with which I can have nothing to do. It must be settled at your port, & the amount of the fine, when agreed upon by yourself & the

the Taotai, (the Commissioner having no voice in that matter) must be paid by the Tug.

Sam see

(Signed)

O. N. Denny.

Consul General.

No. 6.

Messrs. Morris & Co. to Mr. Stevens.

Shanghai, 5th July, 1882.

Dear Sir:-

We beg to hand you harmless as regards a Bond of Five hundred Haikwan Taels which you gave the Customs on interest, to enable the Tug boat "Fuh Le" to leave Ningpo.

Yours &c

(Signed) Morris & Co.

Agents of Shanghai Tug boat Assoc.n.-

No. 7.

Messrs. Morris & Co., to Mr. Stevens.

Shanghai, July, 12th, 1882.

Dear Sir,

As advised by the U. S. Consul General Mr. Denny and yourself, with the approval of our directors now obtained. We will at once deposit the equivalent of Hai Kwan Taels 500.- in your name officially as Consul for Ningpo for the time being - pending settlement of the liability of the Tugboat "Fuh Le" by yourself and the Taotai for entering Ningpo without a clearance from Shanghai.

Yours &c

(Signed) Morris & Co.

Agents - Shanghai Tugboat Association.

No. 8.

Mr. Teich to Mr. Stevens.

Hongkong & Shanghai Banking Corp.-

Shanghai, 13th July, 1882.

Dear Sir,

I beg to advise having received from Messrs. Morrison & Co. the sum of Tls 554. which sum I have placed on Special Deposit in your name as U. S. Consul at Ningpo for the time being and enclose you Deposit at call herein for the amount.

Kindly acknowledge receipt & oblige.

Yours &c.

(Signed) A. Teich

Sub Manager.

Sui Ch'ang Taotai to Mr. Stevens.

Ningpo, July, 14th, 1882.

Sir:-

On the 4th inst. I received a despatch from Com. Mackey, stating on the 3rd inst. there was an American tug boat "Fuh Le" entered into this Port. On enquiry I asked, where did she come from? the answer was that the boat was out in the sea, met a chinaman who asked her to send him to Ningpo, & so on. I find altho: this boat was not loaded with any goods, but there was no clearance from the customs of the Port, where she came from.

This

This could not counted as privately entering into other ports, & according to Rules or Regulations No. 3. guiding all the Treaty Ports; made in the 6th year of Tung Tse in the Chun Lu Yamen, she is entitled to a fine of Ts 500. I have then stopped the boat to leave this Port in one hand, & on the other notified the American Consul, who wrote me a despatch asking me to release the boat & he hold himself liable to a bond & pending for a further settlement. I therefore let the boat clear on that day. Besides giving notice to the Com^r General. I have the honour

to

to write this despatch to let you know the matter. When I receive an answer from my superior. Then we will settle it with the U. S. Consul &c. &c. By this I have given him an answer to the point & I therefore beg to write you this. As soon as the Con.ul Mackey receive a reply from the Con.ul Gen. I will ask you to settle the matter then.

I am &c

(Signed) Jui Ch'ang.

Jui Ch'ang Taotai to Mr. Stevens.

Ningpo, July 15th, 1882.

Sir:-

I have received your despatch & in reply I beg to state that I am not yet well. Therefore I could not call on to meet you. Relative to the Tug boat "Fuhde", which entered this port without clearance from Shanghai, consequently she has violated the Regulation. Therefore she ought to be fined according to the rule guiding the matter (i.e. Customs Law.)

I remain

(Signed) Jui Ch'ang

No. 137.

Mr. Stevens to Yautai Jui Ch'ang.

Sir:- Ningpo, July, 15th, 1882.

I have the honour to acknowledge the receipt of your letter of yesterday's date in regard to the Tugboat "Fuhde" coming into this port from Shanghai without proper papers. I beg to inform you that you and myself are the only ones that can settle this case. The Commissioner at Ningpo, Shanghai or Peking have nothing to do with the matter. The Customs General's opinion will not be entertained by myself. Our treaty places it entirely in your and my hands. So it will not be

necessary

necessary for you or myself to ask anyone, what we shall do. I am ready to meet you to-morrow if you are able & settle the case at once.

Yrs

(Signed) Edwin Stevens.

U. S. Consul.

No. 138.

Mr. Stevens to Mr. Teich.—

Ningpo, July, 17th, 1882.

Dear Sir,

I have the honour to acknowledge the receipt of your favour of July, 13th informing me that Messrs. Morris Bro., had placed $ 55/- in your hands as a special deposit in my favour. I beg to inform you that the said deposit was made for the purpose of settling a case now pending before the Taotai, and myself for violating of Customs Law by the Tug boat "Fuh Le" - No other use will be made of any portion of said deposit. And should it be necessary for me to draw

against

against said amount. I will duly notify you of the fact & to whose order the draft will be drawn

I am &c

(Signed) Edwin Stevens

U. S. Consul.

No. 141.

Mr. Stevens to Messrs. Morris & Co.

Ningpo, July, 25th, 1882.

Dear Sirs;

I have the honour to acknowledge your favour of the 21th. and to inform you that as soon as the matter is taken up by the Taotai and myself. I will bring forward your statement. The Taotai is and has been too sick to see any one on business. And I am thus prevented seeing him on your matter. When it is settled, I will notify you, also the Bank to whose order any check may drawn for the amount. I beg to inform you that I have so notified the Bank, & any portion

of

of your deposit in my favour will not be touched only on a judicial order.

I am &c.

(Signed) Edwin Stevens

U.S. Consul.

No. 114.

Messrs. Morris & Co., to Mr. Stevens.

Shanghai, 24th July, 1882.

Dear Sir,

We wrote you on the 12th inst. and are now instructed by our Directors to inform you that on inquiry they find that Captn. Mr. Caslin the superintendent was mislead by the charterer of Tug "Fuhde" who informed him that the Tug was required by the Taotai otherwise he would have communicated with us, and acted differently.

We &c.

(Signed) Morris & Co. - Agents Shanghai Tugboat Association.

Messrs. Morris & Co., to Mr. Stevens.

Shanghai, 29th July, 1882.

Dear Sir,

At the request of Captn. Mc. Caslin, we beg to enclose Mr. Geo. Mc. Bain's letter to him regarding the Jug "Fuhde".

Yours &c

(Signd) Morris & Co., Agents Shanghai Jug Boat Association.

Shanghai, 29th July, 1882.

Dear Captn. Mc. Caslin,

I have to inform you with regard to the charter of one of your Tow Boats to Ningpo, a few weeks ago

that

that in the conversation which took place at your house at the time of making the arrangement I was under the impression that the Mandarin, who wanted was required on Officials business with the Taotai.

Yours truly,

(Signed) Geo. McBain.

No. 16.

Sui Ch'ang Taotai to Mr. Stevens.

July, 24th, 1882.

Sir;

I would remark that I have received a despatch from the Vice Com.r Mackey some time ago, stating that the Am. Tug boat "Fuh de" entered this port from Shanghai & she was found that she had no clearance. Thus caused that she has disobeyed the prepared Regulations & ought to fine a sum of ~~Hs~~ 500.- He (the Vice Com.r) has given the statement of this case to the Com.r Gen.l & written me that despatch to call my attention to it. I have therefore written you a despatch on behalf

behalf of the Customs, which is in your record. Now the Tsu Com.r wrote me again informing me that he has received instruction from the Com.r Gen. in which he states that the said Steam Tug ("Fuh de") ought to be fined for Tls 500 rec. Besides giving him an answer, it is my duty to give you a despatch. Therefore I beg to write you this asking you to be kind enough as to order the said Steam Tug "Fuhde" to go in accord with the prepared Regulations & render the fine of Tls 500.- to the Custom House without delay. For this I have the honour to give you this despatch

(Signed) Jui Ch'ang.

No. 1414.

Mr. Stevens to Taotai Jui Ch'ang.

Ningpo, July, 30th, 1882.

Sir :-

I have the honour to receive your despatch relating to the fine you wish imposed upon the Jug Boat "Fuhde", as I formerly told you this is a question in which the Commissioner of Customs at Ningpo or Peking have nothing to do with it. It must be settled in accordance with our Treaty by yourself & myself - And if we cannot agree upon the fine, then it must be referred to

Peking.

Peking. Where the U. S. minister can arbitrate the case with the proper authorities at the capital. On this question I desire to have a personal interview with you. I do not think it is necessary for me to state my reasons at the present time – Why I differ with you in the amount of the fine which you wish imposed on this boat. Morris Bro., of Shanghai the owners of the Tug-boat have furnished me with some facts which are unknown to Your Honour. I have no doubt, that you will deem their statements worthy of consideration & in order that I may learn

yours

your views of the case fully, & as soon as possible. I think we had better meet & talk the matter over. And I trust that we can come to an amicable settlement. Mr. Hart the Commissioner General of Customs has nothing whatever to do with the case. It is solely for yourself & myself to settle. If you can see me on Tuesday at 10 O'clock, I shall be glad and will be there on time.

I am &c

(Signed) Edwin Stevens.

U. S. Consul.

No. 18.

Jui Ch'ang Taotai to Mr. Stevens.

July. 31st, 1882.

Sir :-

With reference to the case of the Steam Tug "Fuh Le" you have mentioned in your despatch that you will call upon my poor office on the 18th of the 6th moon (1st Aug.) at 10 o'clock. I am very sorry that I could not meet you. Because my old decease comes upon me again. So I could not sit long. Please wait for a few days, then I will select a day to call upon your valuable Consulate to see you & talk over all the matters. I write you this

especially

especially for your Excuse.

I am &c

(signed) Jue Ch'ang.

No. 19.

Jui Ch'ang Yaotai to Mr. Stevens.

August, 12th, 1882.

Sir:-

I have the honour to inform you that with reference to the Steam Tug "Fuh Le" that entered this port and violated the Regulations and she ought to be fined. This I have a few days ago had a talk with you in person. In these late few days I was looking at all the files and found that there was not a case before that had been less fined. I deem it my duty to give you this note & I hope you will see into this & fine

Yihe

the Tug in accord with the
Regulations guiding sea ports
& oblige rec.

No. 160.

Mr. Stevens to Messrs. Morris 160.

Ningpo, Aug. 12th, 1882.

Sirs:-

I have the honour to inform you that H. E. and myself had an interview in relation to the case of the Tug boat "Fuh Le" on the 5th of this month. As we could not then agree upon the fine that should be imposed. He asked for a few days to think over & examine the case.

This morning I received a communication from him giving me his decision. He insists that the whole fine of

$500.-

Rs 500, the full extent that the law demands must be paid.

Under all the circumstances of the case with the statements you have made. I do not agree with H. E. that the whole fine should be imposed. I therefore intend to refer the case for final decision to Peking.

In your letter of the 29th of July in which you enclosed one from George Mc Bain to Captn Mc Caslin. I desire that you should place said statement under the form of an affidavit. I also desire the same affidavit of Captn Mc Caslin that Mr Mc Bain's statement is correct.

I

I also wish to have the name of the Mandarin that the Tug boat brought down, that made the statement that he was required on official business with the Taotai". If this statement is correct and if by this statement Captn. Mc. Caslin ordered the said Tug boat to proceed to Ningpo with the said Mandarin. The said Mandarin or the said Taotai in my judgement must pay the fine, if any is imposed by the Customs Regulations

I am &c

(Signed) Edwin Stevens

U.S. Consul.

No. 21.

Messrs. Morris Bo to Mr. Stevens.

Shanghai, 19th Aug, 1882.

Dr. Sir:-

In answer to yours of 12th inst., we beg to inform you that Mr. McBain and Capt. McCaslin are preparing their Affidavits.

When they are ready we will forward them.

(Sigd.) Yours rec

Morris Bo., Agents

Shanghai Tug boat Association.-

No. 22.

Shanghai, 23rd August, 1882

I George McBain of Shanghai in the Empire of China do hereby declare that when arranging with Capt C. A. McCaslin of the Shanghai Tow Boat Co. on or about the 2nd July 1882 for the Charter of a Tow boat to Ningpo for the conveyance of a messenger to a mandarin resident in or near Ningpo, and I the aforesaid C. A. McCaslin do also hereby declare that we were under the impression that said Mandarin was required on official business with the Taotai of Shanghai.

Such in fact was really the case, but it would appear from

from subsequent events that the said Mandarin was not required by the Imperial Chinese Government but was sent for by some Shanghai Bankers to intercede for them with the Taotai of Shanghai in connection with some financial troubles.

(Signed) Geo. McC. Bain

(Signed) C. N. McCaslin.

Subscribed and sworn to before me this 23rd day of August, 1882.

(Signed) F. D. Cheshire

U. S. Vice Consul General in Charge.

Informal.

Prince Kung to Mr. Young.

Peking, October, 4th, 1882.

Your Excellency

Mr. Secretary Nolcombe came to this Office the other day and spoke about the case of the tug boat "Fuhli" of Woosung. A note was thereupon addressed to the Inspector General of Customs for a report. His response is now to hand and states that the "Fuhli" is a tugboat plying in her business at Shanghai. She neither enters nor clears at the Customs. By proceeding to another port she certainly renders herself liable

to

to a fine under the regulations. If there are any reasons for remitting or lessening the penalty request should be made for information as to what Deputy she carried on the trip in question, and on what business, etc - etc. -

Since it appears that the tugboat "Fuhti" carried a Chinese Deputy to Ningpo, I beg you to inform me particularly as to the name and rank of the Deputy, and by whom and on what public business he was sent in order that I may instruct the Ningpo and Shanghai Customs to consider and arrange

range the case.

Honourable John Russell Young.
Etc. - etc. etc. etc.

Peking, October, 11th, 1882.

Dispatch No. 115.
Enclosure 2.

Informal.

Mr. Young to Prince Kung.

Peking. October. 7th, 1882.

Your Imperial Highness.

I am in receipt of the communication with which you have favoured me, in reference to the application of the captain of the tugboat "Fuh li" asking to be released from a penalty of Tls. 500 incurred by the violation of a customs regulation, requiring all trading vessels not to sail for any port in China without legal clearance papers from the Customs authorities.

The defence advanced by the captain

tain for this infraction of the law was that he had been asked to convey a Chinese passenger of some note from Shanghai to Ningpo. He believed this passenger to be in the service of the Chinese Government and that in carrying him promptly he was perhaps doing the government a service. He therefore neglected to obtain a clearance.

Mr. Holcombe in conversation informed the Yamên; that this impression was incorrect, as the passenger in question was not an official, nor upon official service.

This

This Legation suggested to the Yamen, that while there was a transgression it might be an act of grace and courtesy to take into consideration this extenuating circumstance and not to impose the full fine.

Your Imperial Highness informs me that having submitted the question to the Inspector General of His Majesty's Customs that Official reports that there was an undoubted violation of law on the part of the captain of the tugboat, and that the penalty should be enforced. I am also requested by Your Imperial

Highness

Highness to make enquiry as to the standing, character or official position of the Chinese passenger, whose presence on board the ing boat was the ~~u~~ captain's excuse for his act, in order that you may determine whether the position of this ~~u~~ passenger was high enough to justify or excuse the omission on the Captain's part to obtain clearance papers.

After due reflection I do not think that it would be convenient for the legation to enter upon this enquiry. I admit that there was a violation of law by the captain.

I

I see no useful purpose to be gained by trying the case over again. I especially wish not to do anything that might look like an interference with the administration of your laws, or a wish to discuss your undoubted right to enforce your customs regulations.

My suggestion to Your Imperial Highness was that as there was apparently no intention on the part of the captain to offend, it might be an act of grace and courtesy to lessen or excuse his fine. I made this as a suggestion, not even as a request. The matter is entirely within your own discretion.

Nanney

Having done this I do not see that the subject merits any further consideration.

I avail myself of this occasion to tender Your Imperial Highness the assurance of my most distinguished consideration.

(Signed) John Russell Young.

Copy.

Dispatch No. 45.
Enclosure 3.

Informal.

Prince Kung to Mr. Young.

Peking. October. 14th, 1882.

Your Excellency.

In the matter of the Shanghai tug boat "Fuh-li," I received your note a few days ago, and transmitted it to Mr. Inspector General Hart for his consideration. I am now in receipt of his response in which he remarks that Your Excellency's observations upon the business, are exceedingly temperate, and the spirit of them most conciliatory. A new minister who at the inception of his relations speaks in such language will secure the highest respect of all men. But the

the facts in the case still remain. The tug-boat "Fuhli" went to another port without clearance papers, and as there are no actually mitigating circumstances in her case she ought to pay the full penalty of Taels 500.- as provided in the regulations. Instructions have been sent to the Commissioner of Customs at Shanghai and Ningpo to enforce the full penalty of Taels 500. and the Foreign Office is requested to address the U. S. Minister in order that he may instruct her owners to pay the amount of fine named. Thus Mr. Hart

In accordance with his request I must beg Y. E. to transmit the necessary instructions to the owners of the tug boat that they must pay the full fine provided by the

regulations

regulations.

Cardo and complimento.

Copy

Despatch No. 45.
Enclosure 4.

No. 4.

Mr. Young to Mr. Sievers.

Peking, October, 21st, 1882.

Sir,

In further acknowledgement of your despatch No. 12. dated September, 12th, 1882. I have the honour to say that in compliance with your suggestion I brought the subject of the fine imposed by the Customs Authorities at Ningpo upon the Captain of the Tug-boat "Fuh di" to the attention of the Foreign Office. The correspondence which ensued I have forwarded to the State Department.

I regret to say that the authorities here can find no reason to justify them in releasing the Captain from his penalty. I suggested that, as there was

avowedly

avowedly no intent on the part of the Captain to evade the law, it would be an act of grace to remit or diminish the fine. The Cabinet decided however that the integrity of their customs service required a rigid enforcement of the laws. Accordingly I made no further representation on the subject.

I will thank you to acquaint the parties interested with this decision of the Imperial Cabinet; and remain with high consideration

Yours &c

(Signed) John Russell Young.

ans'd Dec. 19 by cirlr

Mucuani

No. 46. Four Enclosures.

Legation of the United States.

Peking, October 23rd, 1882.

DEPARTMENT OF STATE
DEC 14 1884
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Kerosene trade at Shanghai.

Synopsis.

Trade interfered with by Customs Taotai. Mr. Young appealed to Prince Kung who has practically disallowed Taotai's action. Encloses correspondence and asks approval.

No. 46. Four Enclosures.

Legation of the United States.

Peking, October 23rd, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

I have the honor to enclose herewith a copy of a despatch, received from the Consul General in August last, bringing to my notice a certain action taken by the Customs Intendant at Shanghai forbidding the use of Kerosene by the Chinese within his jurisdiction, and covering a correspondence which Mr. Denny had carried on with

1/46.

that

that officer in the case.

As the proclamation referred to would interfere seriously with the large and growing trade in kerosene which is almost exclusively in the hands of our people, and which amounted in 1880. to a total import at Shanghai alone of more than three million gallons, I felt bound to bring the matter at once to the notice of the Chinese Government. I accordingly addressed a despatch to H.I.H. Prince Kung, 2/46 a copy of which is enclosed, pointing out the manifest rights of our people to engage in this business, and asking that

the

the objectionable proclamation be withdrawn.

I am now in receipt of his response and enclose a translation. H. I. H. presumes that the order was issued with a view to the prevention of fires, but has received no report upon it. He adds that he has "instructed the present "incumbent at Shanghai to "take proper measures in the "premises." 3/46.

While I do not doubt that this means a practical disavowal of the Taotai's action, I have instructed Mr. Bree & Consul General Cheshire to keep the business in mind 4/46.

and

and to report any further interference with the trade in the article mentioned.

Asking your approval of my action,

I have the honor to be,

Sir,

Your obedient servant.

Thos. Russell Gonny.

Enclosures.

1. Mr. Henny to Mr. Young.
No. 2128. August 22nd, 1882.
2. Mr. Young to Prince Kung.
85/1882. September 20th, 1882.
3. Prince Kung to Mr. Young.
100/1882. October 20th, 1882.
4. Mr. Young to Mr. Cheshire
No. 15. October 21st, 1882.

Dispatch No. 46.
Enclosure 1.

Mr. Denny to Hon. Mr. Young.

Shanghai, Aug. 22nd, 1882.

Sir:—

Referring to the conversation I had with you when you were in Shanghai relative to the action of the Chinese officials in regard to the use of Kerosine Oil by natives, I now have the honour to call your attention to the matter officially.

During the past few months, proclamations have been issued by the Chinese Authorities in this (Kiangsu Province) as well as in the Chêkiang Province, interdicting the

the use of Kerosine among the Chinese, which have had the effect of prejudicing the sale of that article of commerce to a certain extent. In the spring of this year, the then Intendant of Shanghai, Liu Jui Fen, issued a prohibitory proclamation against the use of Kerosine and instructed the natives to burn in its stead oil of native manufacture — I addressed a communication to that officer May 20th, see Enclosure A, to the effect that, as Kerosine was a legitimate article of trade sanctioned by the Trade Regulations agreed upon by the United States and China and

as

as the issuance of a proclamation against the use of it by natives, was an unjust discrimination against this branch of American trade I requested him to have it withdrawn &c. The Intendant replied to me on the 25th idem, see Enclosure B, wherein he states that the reason he issued the proclamation complained of by me, was on account of several fires having occurred caused by the careless use of Kerosine. As he (Liu) was about to hand over the Tao taiship to the present incumbent, Shao Yu hien, I did not again address him upon the subject,

but

but on the 8th June I sent a communication to the present Taotai, see Enclosure C, and am glad to say that he has not taken any steps to continue to enforce the proclamation issued by his predecessor.

A few days ago the manager of the China and Japan Trading Company, addressed a communication to me, wherein he stated that, the Ningpo authorities had issued proclamations against the use of Kerosine oil among the Chinese at that port, which he apprehended would have a detrimental effect upon the trade in that

article

article, Ningpo being a large consuming port, and at his instance I communicated the facts as laid before me to the U. S. Consul at Ningpo, Mr. Stevens, with a view to having the proclamations rescinded by the Taotai of that port.

As further proclamations may be issued by the Chinese authorities against this branch of trade which is an important one to America, I venture to suggest that you bring the matter to the notice of the Tsung li Yâmen to the end that a general instructions may be sent to the various Provincial Authorities

authorities not to allow any more such proclamations to be issued by the local officials.

In conclusion I may state that it is thought these proclamations have been issued through the influence of the manufacturers of native oils who are strong opponents to the extended introduction of Kerosine.

I am, &c.,

(Signed) C. R. Denny.

Consul General.

Enclosure A.

No. 339. Shanghai, May 20th, 1882.

Sir;-

My attention has been called to the fact that your Excellency has lately issued a proclamation which will to a great extent, if not recalled, prohibit the use of Kerosine oil by the Chinese within your jurisdiction. This branch of trade in China is an important one to American merchants. It is a legitimate trade under the Treaties of Commerce which the United States has long since concluded with the Imperial Government of China and upon which a large revenue is annually levied and collected by the I. M. Customs of which Your Excellency is the efficient head at this port.

Under

Under these circumstances such a proclamation as the one referred to is a most unjust discrimination against this trade, a discrimination which I feel quite sure was never intended by Your Excellency at the time it was issued.

I have the honour therefore to request that Your Excellency will rescind the proclamation referred to to the end that no injustice may be done in the premises

I have &c

(Signed) C. R. Denny
Consul General

To.
N. E.
Liu
Intendant &c &c &c

Enclosure B.

No. 345.

Shanghai, May 25th, 1882.

Sir;

I had the honour to receive a despatch from you on the 22nd of May wherein you stated that the proclamation which I had issued prohibiting the use of Kerosine oil by natives would have a detrimental effect upon the trade in that article and you therefore requested me to cause the withdrawal of it-&c.-

In reply I would observe that, during the present year there have been several fires at Shanghai with disastrous results to many households, the cause of these being from the careless use of Kerosine oil lamps, and I therefore instructed

instructed the people and shop-
keepers in a proclamation which
I issued, to again use bran, sesam-
um and vegetable oils, instead
of Kerosine for their lamp, thus
giving security to the populace
and avoiding calamities caused
by fire. I did not prohibit
foreign merchants from selling
Kerosine oil — This class of
oil (Kerosine) is a product of
China as well as of foreign Count-
ries; and the trade in it is very
extensive; it is conveyed to many
markets and it certainly cannot
be a very serious injury to the
foreign trade in it, in general,
if the people of Shanghai do not
use it. Besides this oil is con-
sumed by the residents in the
foreign settlements, and I have
not interdicted its use there,
hence how has the General
Trade been affected

Believing

Believing that you understand the condition of things among Chinese and foreigners you cannot fail to clearly perceive the object of any action in the premises.

I am very Lui Kiundant
Yo, O. N. Denny

Enclosure C.

No. 3444.

Shanghai, June 8th, 1882.

Sir;-

I beg to call your attention to a matter which I brought to the notice of your predecessor Lui, some time since. I refer to a proclamation issued by that Officer interdicting the use of Kerosine oil and calling upon the natives to continue to burn in its stead oil (bean, sesamum &c) of native manufacture.

Your predecessor sent me a reply on the 25th May wherein he stated that the proclamation had been issued on account of several fires having occurred of late at Shanghai the cause of which was owing to the careless use of Kerosine oil lamps &c.

It is not my purpose or

desire

desire to interfere in any way with matters purely of a Chinese nature and which do not concern me; these rightfully come under the jurisdiction of the native authorities, but as Kerosine oil is an article of trade specified in the trade regulations agreed upon between China and the United States which you are aware of, I think you will agree with me that your predecessor acted out of the line of his duty in issuing the said proclamation interdicting its use among the natives, which affects the trading interests of American merchants, and I cannot but express the hope that no further steps be taken to enforce it.

If Kerosine oil is a dangerous article and likely to cause fires it is right for the Chinese

Officials

officials to instruct the natives to be careful in using it; such action I thoroughly approve of. But the use of Kerosine is certainly not so dangerous as the use of Fire crackers and Fire works which are manufactured of Gunpowder and which are to be found everywhere, and the least carelessness in their use or manufacture would cause much more disastrous effects than Kerosine oil.

As Your Excellency is known to be just and fair in your dealings and always consider the important interests of the cases brought before you for action, I feel confident that you will devise a plan whereby to rescind or prevent the proclamation referred to being carried into effect.

I have

have rec'd
(Signed) O. N. Denny.
Consul General.

To,
N. E. Shao.
Mandant rec'd rec'd. rec'd

Copy.

Despatch No. 46.
Enclosure 2.

85/1882.

Mr. Young to Prince Kung.

Peking, September, 20th, 1882.

Your Imperial Highness,

I beg leave to state to Your Imperial Highness that I am in receipt of information from the Consul General of the United States at Shanghai that some months since Mr. Liu, then Intendant of Circuit at that port issued a proclamation prohibiting the use of Kerosene oil by the Chinese within his jurisdiction.

Your Imperial Highness

ness is doubtless aware that this article is under the treaties a legitimate object of Export and import trade, that this trade is a very important one to American merchants as the large revenue derived from it by the Customs at Shanghai and other ports abundantly proves.

The action taken by the Taotai Liu, of which Mr. Denny complains will it is feared cause serious loss not only to American but also to Chinese merchants who have large sums invested in Kerosene. It is moreover plainly in violation of treaty.

May I therefore beg Your Imperial

Imperial Highness to take such steps as will secure the withdrawal of the proclamation referred to, and as will prevent in future any similar attempts to interfere with a traffic which is legitimate and proper.

I have &c

(Signed) John Russell Young.

Despatch No. 46.
Enclosure 3.

Copy.

Prince Kung to Mr. Young.

Peking, October, 20th, 1882.

No. 100/1882.

Your Excellency.

I have had the honour to receive your despatch of September, 20th covering a report from Mr. Consul Denny to the effect that Lin, a former Customs Intendant at Shanghai had issued a proclamation forbidding Chinese to use Kerosine. Your Excellency remarks that this article is a legitimate object of export and import under the treaties, and that you fear the action taken by Lin will cause serious loss to both American and Chinese merchants. Hence you request me to take measures to secure the withdrawal of the proclamation

mentioned

mentioned and to prevent similar action in future &c.-&c.-

It is probable that the order of the former Taotai Liu forbidding the use of Kerosine was issued with a view to the prevention of fires. But no report of such an order has reached me. Having received your despatch I have instructed the present incumbent at Shanghai to take proper measures in the premises.

Honourable John Russell Young.

- &c - &c - &c - &c

Despatch No. 46.
Enclosure 4.

No. 15.

Legation of the United States.
Peking, Oct. 21st, 1882.

F. D. Cheshire, Esquire.
United States Vice Consul General.
Shanghai.

Sir,

In reference to Mr. Denny's despatch No. 2128 of August 22nd ultimo, bringing to my notice a proclamation issued by Liu Tautai forbidding the Chinese within his jurisdiction to use Kerosine oil, I have the honour to inform you that I addressed the Foreign Office upon the subject; and am now in receipt of a reply stating that instructions have been sent to the present incumbent at Shanghai "to "take proper measures in the pre-"mises".-

While I take this to be a practical disapproval of the action of Liu, I will thank you bear this business in

in mind and to report promptly to this Legation any Action on the part of the Shanghai local authorities which may appear to interfere with our large and growing trade in this article.

I am, Sir,

Your obedient servant

✓ acked. Dec. 15 for Cir.

No. 47. One Enclosure.

Legation of the United States.

Peking

DEPARTMENT OF STATE
DEC 14 1884
RECEIVED

John Russell Young. to the Secretary of State.

Subject.

Consular Agency at Ichifoo.

Synopsis.

Should be raised to a full Consulate. Encloses a memorandum from Consular Agent Platt.

No. 47. One Enclosure.

Legation of the United States.

Peking, October 23rd, 1882.

Honorable T. F. Frelinghuysen
Secretary of State.

Sir:-

Some time since I had a conversation with A. R. Platt, Esquire, our Consular Agent at Chefoo, in which he gave several important reasons why Chefoo should be made a full Consulate. There seemed to be so much force in what he said that I felt it my duty to bring the matter before the Department. I accordingly asked Mr. Platt

to

to write a memorandum embodying the views he expressed in conversation. This
1/47. memorandum I enclose.

I may add that, in my opinion, it would be of value to the service in Asia if our representative in Chefoo was either a Consul or Vice Consul with independent authority and and not dependent upon Tientsin.

I have the honor to be,

Sir,

Your obedient servant.

Thos. Wade

Enclosure.

1. Memorandum by Sir. Platt.
September 15th, 1882.

Despatch No. 47.
Enclosure.

Mr. Platt to Mr. Young.

Tientsin. September 15th, 1882.

Sir,

In conformity with instructions received from you during your recent sojourn in this port, I have now the honour to submit for your consideration a statement of the present status of this Agency, and as it is a subject you may not as yet be familiar with I will ask you to pardon the seeming detail of the report.

The Agency is subordinate and directly responsible to the Consulate at Tientsin, situated _ miles away - Communication during the season of navigation is fairly regular and a reply to a despatch sent thence may be looked for in four or five days - But for about a third of the year navigation to the north ceases at this port, when the mail service is taken up by a precarious system of over-

land

land couriers whose maximum of speed is twenty one days for the round journey - There is no telegraphic communication with Chefoo. From Shanghai we are distant 500 miles with uninterrupted navigation - throughout the year, but during the winter months steam communication is irregular and we are frequently without communication in any direction for a fortnight or three weeks at a time - I need not point out to you that in so great an interval, serious injury to the interests of Americans residing here might result from the limited power to act with which an Agent is invested by the Regulations, and I may cite a case where, (during the winter months) an entire ships' company were in a state of mutiny for some days, and committed other offences against the laws, yet went free

because

because there was no power to punish them.

Within the jurisdiction of this agency some fourteen American families reside aggregating some forty individuals, and during the summer months this number is largely increased by visitors who sojourn here during the season — Taken as a whole it is safe to say that, Shanghai excepted, no two of the treaty ports have so large a number of American residents as Chefoo. Add to this the fact that the Government station a man-of-war in the port each summer and it is to be seen that the Consular Officer has to deal with a large body of individuals — That the man-of-war is a factor in the work of the office I think you will agree when I tell you I have issued over twenty warrants for sailors who have broken their leave, besides which I am

now

now investigating a criminal charge against one of them which may call for the presence of the Consul.

This province of Shantung has long been a field of active labour on the part of American missionaries and the resulting large body of converts are a fruitful source of correspondence between the native authorities and the Agent, as under the plea of "christian persecution" many of them seek consular aid in family feuds and other difficulties, which have no relation to treaty obligations yet time and labour are frequently needed to prove this, and nice points are often brought forward by their mission advocates weighted by the bugbear of precedent, which it is not always easy to quite ignore.

The following table will shew you the position of this port in relation to foreign trade as compared to

several

several others where Consulates are established.

Value of the direct Foreign Trade in 1881.

Port.	Value in U. S. Gold.	Rank.
Niuchwang.	$ 314,749-09	Vice Consul.
Ningpo.	375,609-78	Consul.
Chinkiang.	41,669.32	Consul.
Chefoo.	1,128,833.21.	Consular Agent.

The direct export to America for the year ending June 30th 1882 was $151.216.56

The Governments of Great Britain, Austro-Hungary, Belgium, Japan, and the Netherlands all maintain full consulates at this port, while Russia, Denmark, France, Germany, Sweden and Norway are represented by Vice Consuls - The United States is the only power whose representative here is not vested

with

with judicial powers. The compensation for the agent is provided for by the Official fees — and the regulations provide that they shall be divided with the Consul. The Judicial Expenses are allowed by the State Department to the amount of Four hundred and eighty dollars a year.

Receipts for year ending June, 30th, 1882.

Fees from all sources.	$214.96
Judicial Expenses (allce from Dept. —	480.00
	$694.96

Expenses.

Consuls proportion of fees	$120.00
Constables salary.	300.—
Writer (Chinese Correspondence)	72.—
Court room rent.	180.—
Fees to Interpreter, boat hire for mails, postage, stationery &c —	30.—
	$702.00

I have taken the figures from the consular records and the expenses are those I actually incurred, so you will observe I am working for nothing and furnishing about $10.00 of the expenses of the Agency.

The Constables salary is fixed by the Department. It is too little to procure the services of a proper person who would be of some service to the Consular officer, and the position is held by an American in no way fitted for it except his physical ability to arrest.

The rent allowance is enough to pay for a proper court-room. No allowance is made for a writer although the correspondence with the officials is quite extensive and I am obliged to pay the sum named, or, an exorbitant price per letter.

I will now ask you to bring your personal observation while here to bear on this subject, -

and

and then leave it in your hands -

I am, Sir

&c

(Signed) A. R. Platt.

Consular Agent.

Ans'd off p.D. July 26 '83

Merchants

No. 48. Three Enclosures.

Legation of the United States.

Peking, October 23rd, 1882.

DEPARTMENT OF STATE
DEC 14 1884
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Camphor manufacture in China.

Synopsis.

Encloses correspondence with Mr. Simes. Question of protection for patents, and trade monopolies raised. Asks the instruction of the Department.

No. 48. Three Enclosures.

Legation of the United States.

Peking, October 23rd, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:-

I have the honor to send you a letter addressed to the Legation by W. F. Simes, a resident of Philadelphia, and my reply. Mr. Simes is anxious to establish the manufacture of crude and refined flowers of camphor in China, and for that purpose wishes the advice and protection of the Legation. 1/48. 2/48.

I informed Mr. Simes that

that I would submit the correspondence to the Department. As his matter is a pure business enterprise, it seemed that I could do him no better service than to send his letter to one of our leading American houses in China, who would be in the best position to advise and assist him. My letter to the house of Russell and Company, Shanghai, enclosing a copy of the communication of Mr. Simes, forms one of the enclosures in this despatch.

3/48.

Mr. Simes is anxious to know whether, in the event of the establishment of the camphor

camphor works, his patents would be protected from a competition. I refer him to the Department for an authoritative answer. At the same time the question he asks is one of great interest and now enters into the most important discussion pending between the Cabinet and the Diplomatic Body. The right to grant monopolies in manufactures is held by the Throne, and challenged by the Representatives of the Western Powers as a violation of treaties. The subject is far from a settlement, and the discussion cannot advance much further without developing

serious

serious phases of difference. It is a question into which I entered somewhat at length in my despatch number 43. dated October 18th., a question I may say, with due submission, that should meet the careful attention of the Department, to the end that, should I be asked to unite with other Ministers in what may be possibly a stringent course of procedure, I may feel that I am acting with your full knowledge and sanction.

I have the honor to be,

Sir,

Your obedient servant.

Mortimer Gray

Enclosures.

Enclosures.

1. Mr. Simes to Mr. Young.
54/1882 April 15th, 1882
2. Mr. Young to Mr. Simes
37/1882. October 23rd, 1882.
3. Mr. Young to Messrs. Russell & Co.
36/1882. October 23rd, 1882.

Dispatch No. 48.
Enclosure 1.

Copy

Mr. Sines to Mr. Young.

Philadelphia, April, 15th, 1882

Dear Sir,

Having received three letters patent from the Government of the United States of America and England - for my process of manufacture of Crude, Refined and Flowers of Camphor, and also having received the highest premium from the United States Centennial Commission (Exposition of 1876) for my process and having established and now running in successful operation, one of the largest works in America at Greenwich Point near Philadelphia operated by the Pennsylvania Salt Company, also

a

a large works in successful operation now running in the city of London, England by Howard Sons, Chemists.

I claim as a superiority over all other similar processes as follows.

1st. A saving of 25% in the manufacture

2nd. A saving of 10% in loss by evaporation in Shipment.

3rd. A saving of one half the cost in freight on account of compression.

4th. Can be shipped in any sailing vessel or Steamer on account of its compactness and being easily handled.

The cost of machinery with all the necessary appliances - put up in America ready to ship to China capacity to manufacture two tons per

per

per day) would be from 10,000 to $20,000.-

If a Stock Company - composed of Americans and Chinamen were incorporated, would the Chinese Government give such a Company protection against other parties erecting similar works in China?

If such protection could be obtained. I am firmly convinced that it would pay most handsomely on the Capital Stock.

No doubt you will come in communication with some of the Chinese Ambassadors who Examined my process most critically at the Exposition of 1876 in this city and Expressed themselves as pleased with the

process

process and products.

China and Japan being the only countries that supply the world, their Ambassadors took an exceeding interest in my process.

Of course it would be most advantageous to erect the works in the City or port in China that receives and ships the largest amount of crude camphor.

If after perusing the above, you think sufficiently well of this matter I would esteem it a favour to have a personal interview with you — as I can explain more satisfactorily the process and its advantages over all other processes.

(Signed) William F. Sines.

Despatch No. 48.
Enclosure 2.

Mr. Young to N. F. Simes & Son.

34/1882.

Peking, October, 23rd-1882.

Gentlemen,

I have had under careful consideration your letter of the 15th April, in which you express the desire to establish works in China for the manufacture of crude and refined flowers of camphor. I should be glad to see an American enterprise of this kind established in China, and would do all in my power to advance and protect that or any legitimate interest of American citizens. There is no way officially in which I can act, except to make a report to the Secretary of State. I can in an unofficial way transmit your letter to one of the leading American houses in Shanghai, who may see its way to make your enterprise a subject of further

(correspondence).

correspondence. This I will do with pleasure.

The question whether in the event of your establishing the works you propose, your patent could be protected against competition is one which I cannot answer without the instruction of the Department. There are no patent laws in China as we know them in America - monopolies have been granted in some instances by a decree from the throne; the supreme law in the Empire. The right to do this, however, even by an imperial edict has been contested by the representatives of the Western powers who contend that any monopoly or exclusive right to manufacture is a violation of treaties. The subject is still in abeyance, and I cannot give you an opinion to the result. If the Western Powers prep their case, there will necessarily

be

be a compromise or surrender on the part of the Chinese. In that event the manufacture of camphor would be subject to the same competition as other manufactures.

Should you determine upon your enterprise, however, I shall be glad to give you all the aid in my power.

I am, Sir,

&c.

(Signed) John Russell Young.

Despatch No. 48.
Enclosure 3.

36/1882.

Mr. Young to Russell & Co. -

Peking, October, 23rd, 1882.

Gentlemen,

I enclose you a copy of a correspondence between W. F. Simes a citizen of Philadelphia, and this Legation - Mr. Simes is a Merchant of Standing and what he proposes seems to be an honest business enterprise.

The matter is one which the Legation cannot act beyond giving information and advice - At the same time you may see it to your interests to enter into a correspondence with Mr. Simes, a correspondence which may result to his advantage and the development of American Enterprize -

I am &c

(Signed) John Russell Young.

Rec'd Dec 21-82

Legation of the United States.

Peking, October 24th 1882.

My dear Adee;—

There is one point in relation to the exchange of ratifications of the Korean treaty about which I ought to write you, and which please bear in mind in case the treaty is ratified this coming winter.

The treaty was drawn in Chinese and English, three copies of each text. One of each was left in Korea, and Commodore Shufeldt has probably deposited with the Department the remaining two copies of each. The Korean Government will undoubtedly insist on following the Chinese procedure in the exchange of ratifications, and the Chinese have invariably insisted on having returned to them by the person appointed to exchange, one copy of the Chinese text as signed by the parties making the treaty. It was in view of this procedure that, in

drafting our treaties of 1880 with China I provided that three copies of each text should be made instead of two as heretofore. And this will show you the importance of, and brings me to the suggestion which I wish to make — viz. whomever is to exchange ratifications should be furnished by the Department with one copy of the Chinese text of the treaty as filled in the Department by Commodore Shufeldt. A failure to do this will probably lead to a serious delay in the exchange.

We are well, and not suffering for lack of work.

My best regards to all friends,

Yours faithfully
Chester Holcombe

One Enclosure.

DEPARTMENT OF STATE DEC 13 1884 RECEIVED

Legation of the United States.
Peking, October 24th, 1882.

Chester Holcombe to
the Secretary of State.

Subject.

Incidental expense deficit.

Synopsis.

Refers to Department instruction number 38. to Mr. Young. Has drawn for $48,57 the amount of deficit on quarter ended June 30th, 1882.

One Enclosure.

Legation of the United States.

Peking, October 24th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

Referring to Department instruction, number 38., to Mr. Young, in which it was stated that "the deficit of "$48.59 found in Mr. Holcombe's "account (for incidental expenses) "for the quarter ending June 30th "last, will be paid to him", I have the honor to inform you that I have drawn upon you for the amount. A formal statement of account is enclosed.

I

I beg leave to express my gratitude to the Department for the consideration shown me in this matter.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Statement of deficit of account for incidental expenses for quarter ended June 30th, 1882.

No. 49. One Enclosure.

Legation of the United States.

Peking, October 30th, 1882.

DEPARTMENT OF STATE
DEC 26 1882
RECEIVED

John Russell Young to
the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Forwards a statement of this account for the quarter ended September 30th, 1882.

No. 49. One Enclosure.

Legation of the United States.

Peking October 30th, 1882.

Honorable F. T. Frelinghuysen

Secretary of State.

Sir:—

Enclosed I have the hand you the statement of 1/49 the rent account of this Legation for the quarter ended September 30th, 1882.

I have the honor to be,

Sir,

Your obedient servant.

Jno. Lewis Cramp.

Enclosure.

Enclosure.

1. Legation rent account, 3rd quarter, 1882.

Acted. Off. for Decr. January 22, 83 Crider.

Copy to Mr. Hallinan Off. c. a. March 3, 1883 Crider

Circular No. 10. Dec. 27, 1883.

Mr Williams

No. 50. One Enclosure.

DEPARTMENT OF STATE DEC 26 1882 RECEIVED

Legation of the United States.

Peking, October 31st, 1882.

John Russell Young to the Secretary of State.

Subject.

Relation of China to Corea.

Synopsis.

In response to Department instruction number 30. General line marked out in it already carefully followed. Reasons for sending "monocacy" to Corea. Relation of suzerain of China towards Corea insubstantial and not likely to come up in any positive way unless Corea is

menaced

menaced by some strong Power.
Nature of similar relation between
China and Siam as shown in a
memorandum by Mr. Holcombe
enclosed.

No. 50. One Enclosure.

Legation of the United States.

Peking, October 31st, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

I have reserved a further answer beyond formal " acknowledgement to your " despatch, number 30. dated August 4th, 1882., in the hope that events might enable me to write " something that would be of " interest. My previous despatches, however, have told the full story of the Corean question to its latest phases, and thus answered, as it were by " anticipation

anticipation, the one to which I have now the honor to reply.

You allude to the fact that the "anomolous position of "Corea has long been a cause of "jealous ill feeling between China "and Japan which has not been "allayed by the action of the "United States and other Powers "negotiating treaties with Corea, "through the good offices of the "Chinese Authorities." I am instructed that it is a part of my duty to "aid in dispelling "such feeling", and to "say to the "Chinese authorities that our "Government does not regard the "aid lent to us by Chinese "officials in bringing about the

"the treaty as in any way
"an assertion of Chinese
"administrative rights over Corea"
"to the waiver of which" the
United States "became a party."
Furthermore I am told that, if
you had regarded China as
a suzerain power, you would
have looked to the execution
of "our treaties with China for
"the preservation of the rights of
"our citizens on the Korean
"peninsula."

You will in all
probability have observed that
ever since I came to China as
the American Minister, I have
been solicitous to do what
your despatch especially enjoins
upon

upon one, namely, "aid in dispelling" any feeling of irritation that Japan might feel towards the United States as a consequence of the Corean Convention. In my despatch number 5. dated August 19th, 1882., written two days after my formal reception by His Imperial Highness, Prince Kung, I entered at some length into the Corean question believing that it was but one in a long "series of incidents between China "and Japan leading to estrangements "and bringing them, as I feared, "to the verge of a cruel unnecessary "and barren war." I alluded to the fact, which became evident during my stay in Japan, that

the

the Japanese statesmen felt that in "negotiating, we had not "been as cordial and gracious "in dealing with them as might "have been expected from a "friendly Power." It seemed upon reflection that I could do nothing that would more effectually remove this feeling than to take advantage of the outbreak in Corea and the massacre of Japanese residents, and send a man-of-war with a direct message of sympathy. I asked permission to do this by cable and on receiving your authority, instructed the commander of the "Monocacy," upon arrival in Korean waters,

to

to say to the commander of the Japanese expedition "that the "President had heard with "sorrow of the attack upon the "Japanese embassy and had "sent him to render any "friendly offices. I gave "emphasis to this by saying "further to Commander Cotton:- "It is expedient that the Japanese "should look upon your coming "as an act of courtesy. I am "anxious to have it so appear. "It will strengthen our relations "with Japan. It is the most "important political consideration "attaching to your visit."

I recall these circumstances to show to the Department how careful

careful the Legation has been to carry out the policy outlined in your despatch, and how much we value the importance of friendly relations with Japan.

I may say that, in addition to official despatches, I never ceased in my many conversations with Mr. Iwakura, Mr. Inouye, and other statesmen in Japan, and in private letters to Mr. Yoshida, now Japanese Vice Minister for Foreign Affairs, with whom I am on terms of close personal friendship, to urge the fact that our treaty with Corea was, in no way, a disregard of Japanese interests or Japanese susceptibilities,

and

and that there was nothing in the diplomacy of the East that our Government valued more than the good will and prosperity of Japan, nothing that we were more anxious to see than the closest relations of friendship and alliance between China and Japan, as the two great independent nations now remaining in the Asiatic family.

The Department may have learned from Tokio, the result of this policy, if indeed there has been a result. Commander Cotton reported to the Legation, on his return from Corea, that his message

of

of sympathy had been coldly received by the Commander of the Japanese expedition. You will find this report as an enclosure to my despatch number 27. " dated October 2nd ". My first impulse, especially after I had conversed with " Commander Cotton, was to intimate, if not officially at least indirectly to Mr. Goshida that our office of courtesy was deserving a warmer hospitality. But on reflection it seemed best to pay no attention to the incident, that a naval officer did not represent his Government, and that proper acknowledgment would go from Tokio to Washington.

J

I knew also that the Japanese were in an anxious, angry mood, swayed by feelings of outrage and resentment. The presence of a man-of-war of a friendly Power was in itself a protest against exemplary action, and would check any tendency to such a course. I was so much afraid of this, knowing that it would inevitably provoke from China measures of retaliation, and menace a peace which even then rested upon a frail tenure, that I ventured to say to Commander Cotton that "should a question of "indemnity or reparation arise", "should the Japanese propose "some measure of reprisal or

punishment

"punishment", he should do all in his power "to dissuade them" from such a policy, my wish being that "all questions of "reparation be remanded to "diplomacy."

Possibly this advice by an American commander, sustained by the influence and prestige of his flag, may not have made our vessel welcome to the leader of angry troops bent upon avenging an outrage upon his Legation. The presence of our flag and the counsels of Commander Bolton led to a settlement and, I think, prevented hostilities. This, at least, is the opinion of the

Chinese

Chinese Cabinet, who, as I informed you in my despatch, number 27, dated October 2nd, officially expressed their acknowledgments of the service. The service, however, was not intended for China, except so far as China has no higher interests than the peace which I was, and am, so anxious to see preserved in Asia.

Since the return of the "Monocacy" no occasion has arisen when I could further carry out your instructions. I shall not fail so to do, should the time come.

The point in reference to the possible claim of China

to

to be the suzerain of Korea, and your instructions as to my duty should the question arise, is important and interesting. In my despatch mentioned above, I entered at length into this subject, and I have nothing new to add. I have conversed with some of my colleagues here as to whether China's action in arresting and punishing high Korean dignitaries would compel the Treaty Powers to ask the Emperor of China to approve our conventions. The opinion seemed to be that the question had not assumed a practical shape. There was a rumor that the British

4

Government

Government would raise it. But I can find no foundation for the rumor. The Japanese may suggest it, but I am of the opinion that, should they do so, the Chinese would answer by assuming the direct and responsible government of Corea. They will scarcely take the trouble to do so unless forced. The Government of Peking is conservative. Corea has been virtually independent so long, that the Imperial Authorities do not wish to disturb her, and would rather not have the trouble of her government. But, as I pointed out to you in my despatch number 27,

the

the military position of the Corean peninsula towards China is such, that any strong foreign Power in Corea would be within the gates of the Empire. So long as Corea is undisturbed in her present semi-autonomy China will not interfere beyond an occasional decree from the Throne reminding the Corean Authorities of His Majesty's heavenly commission and his power to rule the world.

This question assumed a temporary interest because of a rumor in a HongKong newspaper to the effect that the Emperor of China had sent

an

an Envoy to Siam to revive the claim of suzerainty which for centuries China has held over that country. Siam has for many years enjoyed practical independence. Her independence came from the indifference of the Peking Government to a far away province. The tribute had to be carried a long distance over mountains, and was sometimes lost or stolen, rarely coming to the Imperial household. The geographical position of Siam was in no way a menace to China. For many years the King of Siam has ruled with unquestioned sway. Foreign Governments have

recognized

recognized his sovereign rights. Our own Government has paid His Majesty the compliment of sending a Minister to his Court, as to the Court of a ruling Prince.

When I heard the rumor that the Emperor proposed to recall the King of Siam to his loyalty, your instructions as to Corea justified me in taking steps to ascertain its truth. I accordingly requested Mr. Holcombe to ask the Cabinet whether the Emperor proposed to advance his claims of suzerainty over Siam.

A report of Mr. Holcombe's conversation with the Cabinet forms an enclosure No. 1

to

to this despatch. You will see that the Cabinet denies in the most positive terms that the Emperor proposes to assert or assume any sovereign power over Siam, and that, so far as China is concerned, Siam is independent. This conversation is interesting as showing the disposition of China towards Corea and others of her outlying dependencies. If Siam were to fall into the hands of a strong nation different counsels might prevail in Peking. I am persuaded that the same reasoning will govern the action of the Cabinet towards Corea, and that as

long

long as the Koreans are permitted to live under their own laws, without foreign interference, the question of the imperial suzerainty of China will never take practical shape, never be more than one of those insubstantial dreams and fancies with which the Chinese imagination surrounds their imperial dignity.

I have the honor to be,

Sir,

Your obedient servant.

Thos. Russell Crump

Enclosure.

1. Minute of conversation between Mr. Holcombe and the Foreign Office.

Despatch No. 50.

Inclosure.

Memorandum.

At the request of Minister Wong I went to the Foreign Office upon the 10th of October to inquire whether there was any truth in a statement, which had appeared in a Hongkong newspaper, that the Government of China had sent an Envoy to the King of Siam to insist upon a renewal of the tribute missions from the King to the Emperor.

Four Ministers of the Foreign Office were present.

Upon my asking the question mentioned above, they all

stated

stated most explicitly and emphatically that there was no truth whatever in the statement, and that such a mission to Siam had not even been thought of by His Majesty's Government. They went on to explain that such deputations from the various smaller Governments adjacent to China had always been purely voluntary in their nature, and no record could be found of even a single case in which China had asked or even suggested that tribute be sent. When sent it consisted of various presents of no great value from the King to the Emperor which were graciously received and

presents

presents of a larger but still of-
little value made in return. The
custom was a very ancient one
and really meant nothing more
than an interchange of neighbourly
courtesies, and the payment of
a certain sort of deference to the
dignity and Power of China. Its
continuance or discontinuance -
was a matter of entire indifference
to the Government of His Imperial
Majesty.

— I explained that the question
which I had asked was of interest
to the United States mainly be-
cause we had recently appointed
a minister to Siam.

The members present
repeated

repeated their assurance that there was no truth in the statement, - and that nothing of the sort had been or would be done.

(Signed) Chester Holcombe.

Peking, October, 16th, 1882.

DEPARTMENT OF
DEC 26 1882
RECEIVED

One Enclosure.

Legation of the United States.

Peking, November 1st, 1882.

Chester Holcombe to the Secretary of State.

Subject.

Incidental allowance deficit.

Synopsis.

Refers to despatch of October 24th, and forwards a duplicate statement.

One Enclosure.

Legation of the United States.

Peking, November 1st, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

Recurring to my despatch of the 24th ultimo, I have now the honor to enclose a duplicate statement of the deficit of the incidental expense allowance to this Legation for the quarter ended June 30th, 1882.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

Enclosure.

1. Duplicate statement of deficit in incidental allowance for 2nd quarter, 1882.

Mr Young's course seems to have been judicious, and his demand reasonable. He will be supported by Prince Kung. Cable to Peking. Jany 4. 1883 Cridler

W Mercantis

No. 51. Three Enclosures.

Legation of the United States.

Peking, November 6th, 1882.

DEPARTMENT OF STATE
DEC 26 1882
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Assault upon Rev. Mr. McKibben.

Synopsis.

Gives details of this affair which occurred near Swatow, in November, 1881. After ineffectual attempts for nearly a year to secure justice from local officers the case has been reported to Prince Kung. Forwards copies of correspondence and asks approval.

No. 51. Three Enclosures.

Legation of the United States.

Peking, November 6th, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

I have the honor to submit to the consideration of the Department certain details connected with an assault by a Chinese mob upon Rev. Jno. W. Kibben, an American missionary, at a place called La Pu Hsien in Kuangtung province, in November, 1881.

I enclose herewith the important portions of the correspondence which has

taken

taken place between Mr.
1/51. Consular Agent Williams
and the local Chinese
Authorities; copies of two
2/51. abusive and incendiary
placards which were posted
in the city, and which had
doubtless much to do in inciting
3/51. the riot; and a copy of a
despatch which I am today
addressing Prince Kung in the
premises.

This last paper gives
the facts of the riot in a
concise form, and renders
it unnecessary for me to
recapitulate them here.

The Department will
also learn from it that I have
requested

requested H.I.H. to issue "
"stringent orders for the arrest and
"punishment of the parties to the
"outrage; the restoration of the "
"property destroyed or stolen; and
"the publication of such proclamations
"as will prevent the recurrence of
"such outrages."

I have also pointed
out that in this, as in "
similar cases of disturbance
in the past, the District "
Magistrate was directly "
responsible for the riot, and
his underlings were the "
leaders in it.

I hope to be able to reach
a satisfactory adjustment of
the case without prolonged

or

or vexatious correspondence.

Seeking your approval of my action,

I have the honor to be,

Sir,

Your obedient servant.

Jno. Russell Young

Enclosures.

1. Mr. Williams to Mr. Holcombe No. 3. May 27th, 1882.
2. Copies of two placards.
3. Mr. Young to Prince Kung. 103/1882. November 6th, 1882.

Despatch No. 51.
Enclosure 1.

Mr. Williams to Mr. Holcombe.

No. 3. Swatow, May 27th, 1882.

Sir,

I have the honour to refer for your consideration and action the case of the Revd. W. K. McKibben as per his written statement herewith enclosed, the majority of which I believe to be correct. I have used every possible means with the mandarins to induce an amicable settlement of this difficulty, both with the Tuapo Magistrate and with His Excellency the Taotai, but without any definite results.

The usual stubborn resistance

and

and procrastination has been generally adopted by the local officials in this case.

I enclose copy of a letter from the Taotai, Chow Chou Fu and two copies of placards relating to Mr. McKibben's case, which may be found of some service in arriving at a settlement. I have a large amount of correspondence relating to this case copies of which I shall forward you should you desire it.

I am &c.

(Signed) C. C. Williams

1. Copy of Taotais letter.

2. Placards.

1. Mr. McKibbens Statement.

Inc.

Mr. McKibben to Mr. Holcombe.

Swatow, May, 26th, 1882.

Sir;

I am under the necessity of laying before you a statement concerning personal violence of which I was the subject in November last, at Tai Poo Hien (大埔縣) 120 miles north of Swatow, in this the Kwang Tung Province.

I arrived at Tai Poo Hien October 26th and stopped at first at the house of Chau Sut Ki (曹述記) a church member. I was provided with a regularly issued passport, dated July, 13th, 1881, which at the

the request of the District Magistrate, was sent to the Yamen for inspection.

On October 31st I rented two upstairs rooms in an inn adjoining Sut Ki's house, for six months' use as a dwelling place, for $25.- The inn is called the Chin Yun Hok Hun (奠永合店)

About November 4th I began to hear threats and rumours of opposition. On the 9th I sent a respectful petition to the District Magistrate stating my apprehensions and requesting him to issue a proclamation to

obviate

obviate a disturbance. He returned my petition with the verbal message that a proclamation was not necessary, but that he would send out his constables to assure the people that my being there was all right and lawful. The constables came to the inn the same day, but instead of this kind of a message they ordered the innkeeper to return my money and not allow me to stay at the inn above ten days. I heard also of their stirring up the people in the streets against me.

The following day I requested an interview with the

the Magistrate at his Yamên in which I informed him of what his subordinates had done. He did not disavow their conduct, and said the period of the lease was too long. After some conversation about Treaty stipulations the Magistrate promised that after making further inquiries he would confer again with me and issue a proclamation.

The next day the 11th, constables came to the inn again and talked abusively. On the 13th the Magistrate went away from the city.

city. On the morning of November, 14th a crowd of several hundred men rushed out in a body, prominent among them several Yamên constables. They attacked the inn and the church member's lantern shop adjoining, with volleys of stones, demolished the contents of the shop with poles and shutter-boards, broke the windows, tore down the verandah of the inn, and destroyed or carried off a variety of articles of property. The church-member and his family escaped personal violence by hiding in the 3rd loft. The

innkeeper

innkeeper was fortunately away. About twenty five or thirty minutes after the mob came I escaped by a back door of the inn and made my way to the river. A part of the mob saw and pursued me, pelting me with stones, sticks of fire-wood and other missiles, from which, however, a heavy umbrella shielded me for the most part. I ran on board a revenue boat, but the crowd threatening to burn it one of the boatmen carried me in a skiff to the other side of the river to a place of safety.

Arriving at Swalwo

I

I laid the case before C. C. Williams, Esq.r our Consular Agent, who at once wrote to the Chinese officials demanding the punishment of some of the ringleaders.- reparation for damages, and some assurance of future security. This demand has been met by the usual shifts and evasions. Mr. Williams has kept the case constantly before the officials and has left nothing undone to secure a settlement. But his demands have been foiled by their stubborn resistance, evasion, and procrastination. Nothing has been done by the Magistrate except the issuing of proclamations, but partially

tially satisfactory: He has made no arrests, although furnished with names, and although eye-witnesses of the affair stood ready to appear and testify.

In consequence of this inaction the evil disposed are becoming emboldened. I visited Tai Poo Hien a second time the last of March. During my stay a scurrilous and inflammatory placard was posted up throughout the city, as had been done before, threatening destruction against me and all connected with me. I stayed most of the time in my boat, and it did not seem prudent to prolong

my

my visit.

The main facts above narrated are now substantially recognized by the Chinese officials. In a despatch received April 12th by the Consular Agent (a copy of which he will forward you,) the Taotai of Chao Chow Fu says that the Tai Poo Magistrate reports to him having ascertained that while the missionary was engaged in preaching a large number of men collected, by whose pushing and thronging the lanterns, paper, materials, clothing, and other effects of the shop were to some extent injured or lost; he

rescues

excuses himself from making arrests on the ground that some of the offenders had run away while others told his constables that they were not the guilty parties. He also says that at the time of my second visit a deputation of prominent gentlemen waited on me with whom I adjusted or compromised the case; this last however is wholly untrue.

The ordinary methods of securing protection having thus proved unavailing, I am obliged to request the interposition of the Legation at the Capital. Accordingly I have the honour

to

to petition as follows:-

1. That a recognition of the right of missionaries to travel, sojourn and obtain property for missionary purposes in the interior, as contemplated by Treaty provisions and limitations, be secured from the local officials and announced by appropriate proclamation and other official action.

2. That the sum of eighty six dollars and five cents ($86 05/100) be paid to me through the Tai Loo magistrate to make good actual money damages to property inflicted by the mob as above narrated;

and

and that such other punishment be inflicted by the mob as above narrated; and that such other punishment be inflicted as may serve to prevent a recurrence of similar acts of lawlessness.

3. That such further compensation for damages, loss of time, and expenses, be secured as may appear just and practicable.

I have &c.

(Signed) N. K. McKibben.

Copy of Agreement between Tay Yong Huck and Mr. McKibben.

This agreement is made by the Inn Keeper Tay Yong Huck who has a second story in his house with two rooms on the right and left side and the whole of the third story, which he rents to Mr. McKibben to live in. It is agreed that the rent shall begin on Kuangsu 7th year 9th moon and 9th day, and to terminate on the following year; on the 3rd moon, 9th day, rent for that time to be $25.- in full.

As verbal words is no proof I make this as written proof.

Kuangsu 7th year, 9th moon. 9th day.

(Signed) Tay Yong Huck.

Witness.
Teck Ann.

No. 75

Mr. Williams to H. E. Taotai Kung.

Swatow, 19th November, 1881.

Sir,

I have to communicate to you the following complaint made to me by the Revd. Mr. McKibben in relation to an attack made on him, by a mob of lawless Chinese while he was sojourning at the town of Tuapoh, and have to ask that you will cause early enquiry to be made in the case.

The following is the statement made by Mr. McKibben.

On the 9th moon and 11th day, October 26th, 1881. I arrived at the town

town of Tuapoh, and took lodging in Shui Chan Street in the upper story of the Shop of a church member named Chow Sut Ree, which was in communication with the Tay Gong Nack Inn. My wacher and book were lodged in the upper rooms of the Inn, which rooms I rented for six months, agreeing to pay twenty five dollars ($25) for that period.

I had been but a few days in the house when I heard rumours that the people and gentry were not willing to have me stay in the town and they intended to drive me out; on receipt of this information I petitioned the magistrate on the 16th day

of

of the same month, 7th November, 1881, by letter, requesting him to issue a proclamation for my protection. On 17th 8th November - nothing having been done by the magistrate, I went myself to his Yamên and had an interview with him, the magistrate who then informed me that it was not necessary for him to put out a proclamation, but promised he would send his constables to notify the people not to molest me. The constables did not do so, but they went to the man that rented me the house (Tay Yong Hwk) and told him that he must return to me the money I had advanced him on account of rent; which

he

he offered to pay me back but I did not receive it.

On 22nd day, 13th November, the magistrate being absent from the town, the constables Loah Ah Kean and others came with a large number of men, as per list of names enclosed herewith, and entered the shop kept by (Chow Sut Kee) in the lower story of the house occupied by me and my servants, partly destroying a large portion of the contents of the shop. Many men then rushed up stairs and commenced to destroy my cooking utensils, the clothing and other property belonging to myself, teacher and book. While the attack was being

made

made on my house I despatched a messenger to the Yamen with my card with the request that the officer in charge would send assistance to disperse the crowd, the rioters in the meantime going all over my house, tearing down the verandah and destroying things generally. I in the meantime had taken refuge in a room in the third story of the building; the rioters committing all these depredations left the place, and shortly afterwards the constables arrived from the Yamen when I thought it advisable to go down to my boat, I therefore left the house by the back gate and proceeded to my boat when a part of the crowd discovered

me.

me and came running after me, throwing pieces of hard mud, sticks of Fire wood, and handfuls of sand - and had it not been for a strong Umbrella, that I carried with which I warded off the missiles, I would have received some serious injuries.

I finally arrived at the Bank of the river where I was taken in a small skiff to my boat on the opposite shore, without much injury, the mob still howling and threatening what they could do, the constables from the Yamên making no efforts to subdue the mob but the constables (Loah Ah Hean) appearing as a ringleader throughout

throughout the affair.

On the same evening I left for Swatow and on my arrival on 18th November, 1881. I placed my complaint before my consul, requesting him to address the local mandarins and Taotai to have the case investigated and the guilty parties punished, causing them to have the property destroyed made good, and the stolen property returned or paid for, and at the same time to issue a proclamation prohibiting the people interfearing with me in future.

I have now to inform Your Excellency that I have carefully examined this case and I find that Mr. McKibbin has been very badly

treated

treated by the people of Tuapoh.
Mr. McKibbin is a preacher of Christianity and should receive all due protection from the local officials while travelling in the interior.

I accordingly have now to request that your Excellency will communicate with the Tuapoh Magistrate and request that immediate steps be taken by him for an early investigation of this case and the punishment of the guilty parties and cause full reparation to be made in the premises to prevent a recurrence of these abuses, I have also to request that the Tuapoh Magistrate

be

be instructed to issue a proclamation notifying the people of Tuapoh that all interference or attacks of this kind against American Preachers will be severely punished.

I have further to forward for your Excellency's perusal a copy of the petition made by Mr. McKibbin to the Tuapoh Magistrate; and asking your Excellency's early attention to this important case

I am &c.-

(Signed) C. C. Williams.

U. S. Consular Agent.

January 3rd, 1882.

Kuangsu, 7th year, 11th moon, 14th day.

Yaotai Yung to C. C. Williams. —

A communication in reply. I beg to state that I have received the communication of the Consul saying that the statements of the missionary Mr. Kilbin and those of the Tuapoh magistrate do not coincide, and requesting me to direct the Tuapoh magistrate to take up the case, and also to apprehend and punish those who led in putting out the public manifesto. And to forward copies of the proclamations issued for information and prohibition.

I sent directions to the Tuapoh magistrate to proceed in accordance

ance with your request, and am now in receipt of his representations.

He acknowledges receipt of the directions as above mentioned. He states that he finds that on the day when the missionary Mr. Ribbin came to his Yamên for an interview he merely made a verbal statement saying that in the Tay Yong Auck Inn, adjoining the shop of Chow Sut Ki, a church member, he had rented a preaching place and had advanced five dollars ($5) as security; but that now Tay Yong Auck had violated his agreement and refused the lease; and he requested that the innkeeper be

directed

directed to keep to his agreement, and that a proclamation be issued to instruct the people and enjoin respectful conduct upon them. The foregoing expression were made at my yamin (thus the Tuapoko magistrate continues) by the missionary, by word of mouth only. He now asserts that he presented a written petition. He has certainly forgotten the truth.

I promised at the time that the matter was one that involved international relations. I feared that issuing a proclamation would be too late to obviate trouble and that a better way was to call in the worthies and Elders of the

of the vicinity and ascertain the stack facts, and send them to enjoin respect upon the people; which would be far quicker. So I delayed issuing a proclamation. I first called together the elders, and also Tan Yong Huck, and ascertained by questioning, that when the missionary Mr Kibben came to the town to arrange for renting, it was clearly stated beforehand that he was to have only the half of the upper story and that the lower story was to continue in use for business purposes. But that after this had been definitely arranged the missionary wanted to make a teacher, who had long been on the upper floor, go off elsewhere

where, and would not allow the people of the inn to come upstairs. And therefore the innkeeper was unwilling to accede and accordingly took back the rent money and asked him to seek a place elsewhere.

I then directed the elders to reason with the missionary and urge him, since Tay Yong Huck was unwilling to rent the whole place, to obtain a place elsewhere, so that landlord and guest might be all at peace. And I also told them that they should tell the populace not to seek priests for bringing on a disturbance; and that whether the innkeeper

Keeper was willing to rent or not willing, the matter must be left to his own pleasure. The missionary's assertion that constables ordered the innkeeper to return the rent money is an audacious outrage upon propriety.

The missionary also states that on the 23rd day of that (the 9th) moon there were constables, as well as Ah Wen and others, who came to Chow Sut Kee's shop and the Yong Huck Inn and destroyed and carried off property; and asks that the constables and others who engaged in destroying and pillaging be apprehended and punished according to law and compelled to make restitution

for

for damages and pay for put-
ting the shops in order.

I find that on that day,
after the disturbance, Li Hwen, a
subordinate official, went with sol-
diers and constables to make in-
spection; and they found that in
Chow Sut Kee's shop only some
lanterns and paper had been slight-
ly damaged by the jostling of the
crowd, but that the contents of the
shop were otherwise uninjured.
Moreover it is the shop of a Chinese
subject with which the missionary
has nothing whatever to do. As
to whether the missionary lost any-
thing any clothing or effects, no bill
or notification has yet been presented

to

to the Magistrate. On that day the Constables made enquiry of his cook, who said that Mr. McRibben was staying upstairs, and that the people did not go up stairs and that things upstairs were not in the least injured, but that some medicines down stairs were slightly broken and spilt; and that the clothing and effects lost by the cook and others were of no great value, The cook at the time made out a list of losses sustained which he gave to the constables to be presented in evidence.

Furthermore, as to my constables; having made careful examination of the official lists, I do not find the names of Tu ah Yen, Lo Ah Tsen, and Kang Ah Hun,

Hun. I fear the missionary has fallen into a mistake from hearing the statements of others who bring accusations according to their own inclination.

Allow me to send out Constables to arrest and bring to trial each one on the list of offenders, and ascertain clearly whether or not they took the opportunity to carry off the effects of the missionary and others, and compel restitution; and also to find out who they were that led in posting up the public manifesto; and bring the whole of them to trial, punishing them severally according to law and consistently with the Treaties, the case being one that involves inter-

national

national relations. I should proceed equitably and carefully, and would not venture in the least to countenance irregularities that might subject me to the weight of your reproof.

In summing: it is asserted that the missionary Mr. Mc. Kibben forgot the truth in his statement; and a true statement of the affair of that day is again presented for (the Taotai's) discriminating scrutiny, and that he may communicate the information (to the Consul).

(The Taotai adds) There is besides another communication (from the Tuapoh Magistrate) saying that he has

has now stringently ordered his constables to apprehend those who led in posting up the public manifesto, and also those who made the disturbance, that full inquiry may be made whether or not they destroyed and pillaged, and that discriminating punishment may be meted out. Careful copies of the two proclamations are also herewith forwarded, to be transmitted (to the Consul)

These reached the Taotai, who says; I again by a rescript directed him to use dispatch in ascertaining the truth, and to carefully and quickly terminate the case; and also to arrest and pass judgement upon

the

the leaders in the public manifesto. I now send this copy of the Tuapoh magistrate's communication for the Consul's inspection.

Wishing you the happiness of promotion.

(The signature will be found elsewhere)

Copy of a petition from the Tuapoh Magistrate to His Excellency the Taotai in relation to Mr. Mc. Kibben's business. -

viz: -

I, Teng Magistrate of Tuapoh make the following Petition. -

On 9th moon 4th day an American preacher Mr. Mc. Kibben - arrived in my district travelling under a Passport, on his arrival I immediately notified my superior; which is on record at this office; I also at the same time sent my constables to notify the gentry, elders, and others, not to make any trouble or allow any one to interfere

with

with Mr. McKibbin.

During the half month — that Mr. McKibbin was travelling in this district he was in good friendship with the people.

On 19th day of the same month November 10th — Mr. McKibben came to my Yamên and stated that He was living outside the city at the house of a convert. Chow Suh Kee adjoining the house of Tay Yong Huck Innkeeper with whom he had agreed to rent part of his Inn, and had advanced him $25.- on account as bargain money, and complained that Tay Yong Huck now refused to rent the house to him. Mr. McKibben then requested me

to

to cause the Innkeeper to comply with his contract. In reply to the Honourable Preacher: I informed him that I should afford him every protection according to Treaty, but the renting of a house was a matter for him to mutually arrange with the owner of the house. I also informed Mr. Ribbon that I should make enquiries into the matter.

After Mr. Ribben left I sent for Tay Yong Huck the Innkeeper and asked him about the renting of his house to Mr. Ribben.

In reply he stated that Chow Suh Kee brought the American Mr. Ribben to his house to rent half of the upper part of his house, the

lower

lower part of the house was to remain for the use of the Innkeeper Tay Yong Huck.

Unexpectedly, after receiving the advance money, he, Mr. Hibben, wanted the Chinese teacher my friend to leave my house, and further refused to allow any of my men to go up stairs to the upper story of the house.

On this account I refused to rent any longer my house to Mr. Hibben, and returned the advance money to Chow Sut Kee, requesting him to rent some other house.

I (Magistrate) then sent for the Elders, Gentry and policemen and instructed them to arrange

for

for a settlement of the case.

Later on these men made reply, that they had advised Mr. McKibben that Tay Yong Huck was not willing to rent him the whole of the upper part of his house, and they had in consequence recommended him to get another house. To this McKibben agreed, but refused to receive back his money advanced on account of rent, saying that he would leave the money in the hands of Tay Yong Huck, and insisted that he should find him an agreeable house but would not leave his present house until he was provided with another.

On 9th moon 21st day, I magistrate had to proceed to Chow Chow Foo on official business.

On

On 23rd day Mr. McKibben was desirous to leave the house and asked Tay Yong Huck to get him another house, but as Tay Yong Huck did not do so, Mr. Kibben refused to take back his advance money but offered to furnish planks and labour and divide of the upper story of Tay Yong Hucks' House for a temporary Chapel. This caused a great deal of talk and indignation among the neighbours — and outside people, and as it became known that the Tay Yong Huck Hotel was to be made into a chapel, the people of the district came to blow but Kee shot and cursed him

and

and accused him of bringing a foreigner here to make a chapel. Then a quarrel commenced between the people and Chow Sut Ku. At this time Mr. Mc. Kibben was in the upper story of the house, and seeing so many people on the street and not understanding their language, he became frightened and came down stairs and escaped by the back door of the house, when he met the constables who were trying to suppress the rioters.

The Constables then escorted Mr. Mc. Kibben to his boat and left him, then returned back to the shop with Mr. Mc. Kibben's coat and his convert (Chow Sut Ku)

to

to inspect the damage done by the rioters.

By this time the crowd had been dispersed by Tian Lee, Lee Hong with the co-operation of soldiers and constables.

When an inspection of the premises was made by Tian Lee, Lee Hong for the purpose of ascertaining the amount of property damaged by the mob which was found to consist in the destruction of a few lanterns and paper ware.

Mr. Mc. Kibben's Cook also stated that the mob did not go up stairs to where Mr. Mc. Kibben was and none of the things in the upper story were lost, but that

some

some of the medicine water down stairs in the shop was spilt and lost.

Tian Lu, Lu Tong, had instructed the district Constables to proceed to the Yamên and take out a protection warrant, and notify the various officials that Mr. McKibben had left the place escorted by the police.

I Magistrate on receipt of this information left Chow Chow Fu, immediately at midnight for Tuapoh, and on examination of the foregoing statement I find it to be correct.

Foreigners are also allowed to travel in the interior for the purpose of preaching the Christian religion.

for

for business or pleasure, according to treaty stipulation, which is on record.

The ignorant people are afraid to allow foreigners to come into the interior as they fear the foreigner may make trouble.

I magistrate have therefore clearly notified the contents of the treaty to the people and have strictly prohibited them hereafter from interfering with foreigners coming into the interior.

I have further reported this matter by petition to His Excellency the Viceroy, the Governor, Treasurer and Judge of Canton.

First Proclamation.

Issued by the Magistrate of Tuapoh District, Department of Chow Chow Fu, for the information of soldiery and populace.

It is contained in the Treaties that people of all nations may enter our borders and while engaged in their own affairs it is by no means allowable to seek occasion for hindering or expelling them, nor to post up false and defamatory placards making punishment necessary.

Complete copies of the two original proclamations forwarded for inspection and

and action.

The first proclamation is as follows:

Teng, Magistrate of Tua poh District, Department of Chow Chow, issues this proclamation for information and injunction: In regard to people of all countries, it is already definitely arranged and plainly stated by the Treaties, that they are permitted to travel, provided with passports anywhere in the interior at pleasure. The Imperial Command has already been issued reaching everywhere, as is matter of record.

At the present time Mr. Mc. Kibben

Kibben, an American, is travelling in the various parts of Chow Chow, to whom the American Consul Mr. Williams, has granted a passport, sending information to Kung Sautai of Nui Chow Chow and Ka Yin Chow, by whom information was sent to this magistracy, directing the inspection of the passport record. And now the American Mr. Kibben, arriving, and travelling in my jurisdiction, and temporarily living at the shop of Chow ah Sut, a Chinese subject, having rented Chin Ah Thet's upper story was desirous of taking a favourable time and

putting

putting it in order for a place of worship. But the city and village people, considering that Chow Ah Sut should not allow a foreigner to remain at his shop, lest some trouble should arise, while in a disorderly way reasoning with Chow ah suh, an altercation arose, so that the foreigner fearful and doubtful left the region. Recently, - moreover, some of the ignorant populace, acting on their own motion, have posted up false and defamatory placards, conduct by no means proper.

Now, that people of all nations may everywhere travel at pleasure in the interior is

already

already provided for in treaties that have received the sanction of the Imperial Will. How can it be permitted to seek occasion and make trouble?. It truly belongs to those who are ignorant of what is right. In addition to notifying the worthies and elders of the various divisions of the city that they are to maintain a strict control and take pains to protect. I moreover issue this proclamation for the full information of the soldiery and populace of the entire city. From the issuing of this proclamation henceforth you must all take care to attend to your own affairs. Listen to no

one

one who incites you with false and defamatory talk, and avoid assemblies that lead to trouble and punishment. The magistrate is as the people's parent; you are all my infant children. Shall I not the more compassionate and love you? Know ye that to people of all nations it is granted to travel at pleasure in the interior, and already has been expressed the Imperial Will that they be carefully protected. Local magistrates everywhere have to reverently administer their trust. Can any one city or village have a different way? On this occasion I must not fail to repeat

edly

edly urge my injunction, for no other reason than to protect all of you from occasion of trouble. You must know His Majesty's gracious purpose to love all men as one body. Let each one heartily recognize and sympathize therewith. Hereafter when again a foreigner enters our borders do ye but express your younger relations, as is your proper duty. If you make no beginning you will involve yourselves in no difficulties. On the first occurrence of trouble the Magistrate will but apprehend and punish those who originally made trouble, and will hold responsible those fathers and elder

brothers

brothers who fail to repress the faults of their juniors. There can be no indulgence, no forbearance, It is important. Let there be no dissembling. An express proclamation.

Kuangsu, 7th year; 10th moon 8th day.

Second Proclamation.

Teng, Magistrate of Tuapoh District - Department of Chow Chow
A prohibitory proclamation.

It has already been definitely arranged and plainly stated at the time of the Treaties that people of all nations are to be permitted to travel with passports everywhere in the interior at pleasure, and the Imperial Command has been received, reaching everywhere, as is on record. Now at this time the American Missionary Mr. Kibben having entered this jurisdiction on a journey, some ignorant persons

acting

acting on their own responsibility, posted up false and defamatory placards, which is by no means right. The Magistrate at that time issued a prohibitory proclamation and notified all the worthies and elders to restrain their juniors; and that all should carefully extend protection; all of which is on record.

I am now in receipt of a communication from the Taotai, saying that on the 4th year of Kwang-su, 10th moon, 9th day he received from American Consul Williams a communication stating that the missionary Mr. Ribben had laid before him a public manifesto issued by

Tuapoh.

Tuapoh City, the spirit and expressions of which were openly in violation of the treaties. Accordingly having inspected this public manifesto the Consul transmitted it for the inspection of the Taotai, saying furthermore that the missionary having procured a passport with which to travel in the interior all local officials should, in accordance with the treaties, take pains to afford protection; and that in view of such rude treatment the people of Tuapoh should exert themselves to secure the punishment according to law of those who have led in issuing this public manifesto, for the sake of the treaties and of international

national harmony. We hope there will be no delay as it is a matter of importance. Accompanying the Consuls' communication was the public Manifesto sent in by Mr. McRibben, which duly reached the Taotai and was transmitted to the District Magistrate.

Constables were sent to make apprehensions and moreover this proclamation is issued in strict prohibition. From this proclamation let the soldiery and people of the whole city understand. Know ye that for people of all nations to travel everywhere in the interior at pleasure has already long been

stated

Spoken in time. Important;
no Evasion.

An Express proclamation.

Kuangsu 7th year, 10th moon.
23rd day.

stated in the treaty, and is in force in every Province. Is one village or one city to set up its own private opinion and seek pretexts for hindering or expelling? From the time of this proclamation let each see that he attends to his own business.

Let fathers control their children and elder brothers the younger. Presume not again to issue placards or seek pretexts for making trouble. Should you dare refuse to give heed, and follow in the old track, you must at once be seized for trial, and severe punishment will follow. There will be no leniency. Do not say these words were not spoken

No. 82.

Mr. Williams to H.E. Kung Taotai.

Swatow, 14th January, 1882.

Sir,

I am in receipt of your communication embracing representations received by you from the Swapoh Magistrate, together with copies of the two proclamations rec'd from him, and stating that you have again directed the Swapoh Magistrate to ascertain the truth with dispatch and to carefully and quickly adjudge and terminate the case, and also to arrest and pass sentence upon those whoever leaders in posting up the public manifests; you also forward

copies

copies of the Tuapoh magistrates' two proclamations.

I at once sent for the missionary and made him acquainted with the contents of your communication. He has now made a statement to me as follows; viz. —

When I was at Tuapoh city becoming apprehensive that the people were going to make trouble, I prepared a petition on the 9th of November, 1881. and sent it by a messenger to the Tuapoh magistrate, in which I requested him to issue a proclamation to quiet the people — The magistrate sent back my petition together with his own card by my messenger, with a verbal

message

message that it was unnecessary to issue a proclamation but that he would send constables to direct the people of the vicinity not to make any disturbance.

The magistrate's constables arrived at once, but instead of charging the people not to make disturbance, they order the innkeeper to return the rent money and make me rent a place elsewhere.

On the following day I went in person to see the Tuapoh magistrate and asked for what reason he had not received the petition sent by my messenger the day before — The magistrate replied in words not different from what the messenger

had

had reported. A copy of this petition has already been given to the Consul and by him been forwarded to the Taotai, as is on record. For the Tuapoh magistrate now to report to the Taotai that I did not make a petition and only communicated verbally, is but a falsehood.

As to whether the magistrate summoned Tay Yong Huck to his presence and what orders he may have given him, I have no means of knowing — But when I rented his upper rooms Tay Yong Huck with his own pen made a written agreement as evidence; the name of a middleman being added —

Both

Both parties were mutually satisfied and nothing of a contrary nature was said. I appeal to this writing as evidence.

The Tuapoh magistrate also says that he has examined the District lists and cannot find the names of the Constables Tu Ah Yen and others, — I find that Tu Ah Yen and the other names are the common names of these constables. Allow me to make inquiry as to what are the names by which they are recorded on the official lists, when the information will be forwarded.

The magistrate also says that after the disturbance and on the same day, an acting officer, Li Hwen, took

a

a squad of constables and soldiers and proceeded to the shops of Chow Sut Ku and the other, and found that only some lanterns and paper had been injured, and that the shops were not demolished. that things upstairs were uninjured; and that only some medicines down stairs had been in slight measure spilt; that the effects lost by the cook and others were not of any great value; and that a list of damages sustained was made out, and given to the Magistrates constables in evidence.

I cannot see how any such officer as Li Hwen could have come that day with constables and soldiers — There would have been

no

no one if I had not sent a mes-
enger to the Yamen to request
some one to come to our rescue.
Three constables came in response to
this call, and no one else. And if
an official had come at the time
would not the list of losses made
out by the cook have been given to
him, instead of being entrusted to
constables? In short no such
officer came to make inspection,
but a fabricated report has been
presented. With this baseless fab-
rication he would quash and an-
nul my suit.

It is true, that a list of loss
sustained by me and my teacher and
cook, and by Chow-ent Kee and

the

the inn, through the destruction and carrying off of property and effects, was at the time given to the constables in evidence, as the Tuapoh Magistrate says; and this is the plainest possible testimony. Only at that time everything was in confusion, and there was no opportunity for exactness; so that it was impossible at the time to make an exact enumeration of articles - Allow me to make careful inquiry and ascertain the values of articles - When a bill of particulars will be transmitted for redress.

The magistrate moreover says that the shop is the property of a Chinese subject, with which

I

I have no concern. But I consider that I am authorized by the Treaties to travel in the interior; and moreover I had the Taotai's passport, entitling me to protection both of officials and people. That shop was rented by me and it was on my account that it was wrecked; Why then have I no connection with the case? Most certainly I must make petition that the local authorities compel repairs and restitution to be made, and that the reason of the trouble be made manifest, as it ought to be. If the magistrate had been willing to receive my petition when it was presented, and had issued a proclamation

tion to quiet the people, there would have been no trouble made and no destroying and pillaging of goods - I have a common interest with them the Tuapoh magistrate is the parent of his people; was it not his official duty? Can he shift the responsibility?

It should not be a difficult matter to apprehend the persons who issued the manifesto - Let the magistrate strictly charge the elders of the twenty four town - ships and give orders for a strict inquiry as to where the offenders be - long. If concealment is attempted it is only necessary to make inquiry of their father and elder brothers. If

thus

thus the elders see that the Magistrate is determined to bring the case to judgment who will dare do otherwise than respectfully obey and deliver over the culprits?

I have the honour to make these statements, and request that you communicate them, and that vigourous measures be taken to apprehend and punish, in order that the entire affair may be brought to judgment

(The Consul states) I find on careful examination of the statements of Mr. McKibbin that they are in accordance with the truth. The Tuapoh Magistrate had gone away and on his return to the Dis-

trict

trict he has only the report of his subordinate and constables, though it must be hard to say no wrong has been committed, and to make such like misrepresentations and repres-ions.

In short, although it may be said that the Consul and the Honourable Lautai each has his own people, yet they should be looked upon as one body. And it is necessary to make a just decision in order that there may be no wrong and no irregularities - I am under the necessity of thus communicating with Your Excellency and must request you to discriminate the truth and stringently direct the Tuapoh Magistrate

to

to use vigorous measures for the speedy apprehension of the offenders, and to ascertain who issued the united manifesto and punish them according to law, and to compel restitution for damage, according to the Treaties and for the sake of international harmony. I trust there may be no delay as it is a matter of great importance.

Wishing your promotion Rev—

I am Rev—

(Signed) C. C. Williams

H. S. Consular Agent.

Despatch No. 51.
Enclosure 2.

Copy of Placard.

Placard issued by the Population of Tuapoh.

Notice is hereby given that Chow Ah Sut who brought the Christian Preacher living at Seng Chua Koy had established a chapel. The chapel has been destroyed by the public people and the Barbarians have run away. If the Barbarians should come again to trouble the mandarins for the purpose of having the matter thoroughly investigated and implicate us, — we, the twenty-four companies of people agree to suspend business. Should

the

the Barbarians return, we will drive them away, and kill them. Either they must die or we must die, as we are determined not to allow the Barbarians to put their foot on our soil.

We have lately heard our different tribes say there are many ignorant people who have been induced to become christians.

Our Elders of the different tribes ought to strictly take care that their children are not allowed to become christians and those that have already been induced to become christian, they must relinquish the christian religion, otherwise they will be punished by death — according

according to their family customs so as to prevent the increase of christianity.

Hereafter if any one rents houses to the Barbarians such houses will be destroyed and leveled to the ground. If the christian religion is allowed to flourish, it will disorganize and destroy the regulations and rules of districts, which is not a small matter.

Copy of Second Placard.

Notice.

It is notified by the people of Tuapoh that on account of the monster (Chow Ah Sut) and his son having brought a Barbarian Dog to this place.

We the people have agreed to destroy them utterly. We think our Tuapoh a literary place and it is known to be so by all men under heaven.

We have high mountains and a shallow river; then why should we fear the barbarian dogs? We have also military people who understand military tactics.

The

The barbarian dogs we know have powerful guns, but they cannot enter our place; then why should we fear them?

Unexpectedly the monster (Chow Ah Sut) and his son brought lately a Barbarian dog to our place, who wanted to build a chapel.

We know if he got an inch he would want a foot, and that he would deceive the ignorant people and get them to become christians.

Ask those christian people what benefit they get by being christians. They have no morality or respect for family relationship, and do not believe in geology, or the worship of Idols and our Buddha, but only

recognize

recognize a God.

Those people who want to become Christians, must destroy their ancestral tablets before they can be made Christians, and these Christian people when they want to get married the bride must sleep with the preacher first. This is a most foul deed, and although we have not seen it with our own eyes, we have heard it - How can we allow such a thing.

His Majesty the Emperor has sixteen commandments to be observed; and then people who have studied them will at once understand that the Christian religion is nothing but a deception.

If

If we allow a Christian Chapel to be erected what will become of the temple of Confucius?

Our present magistrate is a liberal man and is our parent; but how would it be if he were to like the barbarian dog and neglect his people and children? He would then be neglecting the Imperial commands and supporting the Christian religion.

Now all we people of Tuapoh must be united in mind and body and if (Chow Ah Sut) and his son wishes to continue on in his present path, inducing the ignorant people to become Christians he must take the responsibility.

Whoever may hear or see such

things

things must immediately notify the public by the beating of a drum calling all the people together to cut off the heads of the offenders and utterly destroy the Barbarian Dogs and cut up their bodies.

We must not let them escape. - What we say we must do.

Kuang su 8th year, 2nd moon 5th day. -

Dispatch No. 51.
Enclosure 3.

Mr. Young to Prince Kung.

No. 103/1882.

Peking, November, 6th, 1882.

Your Imperial Highness,

It has become my duty to call the attention of Your Imperial Highness to a case of interference with and assault upon an American citizen while traveling under passport in the interior of the province of Kwangtung.

The particulars of the case are briefly, as follows:- In October of last year Reverend Mr. McKibben, an American Missionary resident at Swatow while on a tour in the interior reached the city of Ya Pu Asien. At the request of the District

trict Magistrate his passport was sent to the Yamên for inspection. As Mr Mc Kibben wished to stay some little time in the city he rented rooms at an inn, and paid for them in advance. A few days later as he had heard threats of violence towards himself, Mr Mc Kibben addressed a petition to the District Magistrate asking that a proclamation be issued to allay popular feeling and to warn people that the foreign guest had a right under the treaty to be in their midst.

The Magistrate refused to issue the proclamation but promised to send out his constables to warn the people of the city to avoid mak-

ing

ing a disturbance. Instead of doing as promised, the Magistrate sent his underlings next day to the inn who ordered the landlord to return the money to the foreigner and send him out of the city. They were also heard stirring up the people upon the street. The next day Mr. McRibben went in person to see the Magistrate and told him what his underlings had done. He did not disavow their conduct and after some quibbling on his part he promised to issue a proclamation. On the following day the constables came again to the inn and used abusive language. The day after the

Magistrate

Magistrate left town not having issued a proclamation as promised, and upon the next day thereafter a crowd of several hundred men, headed by Yamen constables, attacked the inn and a lantern shop adjoining owned by a church member. They entirely destroyed the contents of the lantern shop, broke in the front of the inn and destroyed or carried of many articles of property.

Mr. McKibben escaped by a back door and fled to the river. He was however seen and pursued by a portion of the mob who pelted him with clubs, stones, and mud. On arriving at the

river

river bank, he was taken across the stream to a place of safety by the crew of a revenue boat.

On his return to Swatow Mr. Mr. Kibben laid these facts before Mr. Consular Agent Williams; who has been labouring for nearly a year to secure justice from the Provincial Authorities. And this Legation has waited for months in the hope that the case might be justly disposed of at Swatow and the necessity of troubling Your Imperial Highness be avoided.

But the earnest efforts of my officer to settle the case and secure the rights of our people having been fruitless I am obliged

to

to request Your Imperial Highness to issue stringent orders for the arrest and punishment of the parties to the outrage, the restoration of the property destroyed or stolen, and the publication at Ta Pu Asin of such proclamations as will prevent the recurrence of such outrages.

It is with regret that I am obliged to appeal to Your Imperial Highness in this case, and to point out that, as in so many similar cases, the facts show the District Magistrate and his underlings to have been responsible for, and the leaders in the attack upon my countryman.

To

To facilitate your investigation of this case, I beg to inclose a copy of a despatch addressed by Mr. Consular Agent Williams to the Taotai at Swatow; a list of the principal rioters; and copies of two abusive and incendiary placards which were at the time of the disturbance posted about Ta Pu Stein.

Trusting that this case may have early and serious attention at the hands of Your Imperial Highness

I have, &c. &c.

(Signed) John Russell Young.

Williams

Send to Bureau of accounts

No. 52. One Enclosure.

Legation of the United States.

Peking, November 7th, 1882.

DEPARTMENT OF STATE
DEC 26 1882
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Refers to despatch number 49, and encloses a duplicate of the statement of this account for the quarter ended September 30th, 1882.

No. 52. One Enclosure.

Legation of the United States.

Peking, November 7th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

Referring to my despatch number 49. I have now the honor to enclose a duplicate statement of the rent account of this Legation for the quarter ended September 30th, 1882. 1/52.

I have the honor to be,
Sir,
Your obedient servant.

Thos. Lowe Emmy

Enclosure.

Enclosure

1. Duplicate rent account statement.

N. Williams

File

No. 52.

Legation of the United States.

Peking, November 10th, 1882.

DEPARTMENT OF STATE
DEC 26 1882
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbers 40. 41. and 42. have been received.

No. 52.

Legation of the United States.

Peking November 10th, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

I have had the honor to receive Department instructions numbered 40. 41. and 42.

I have the honor to be,

Sir,

Your obedient servant.

Jno. Russell Young

Acted by no file (we have already approved Mr Young's note to Prince Kung)

Williams

No. 11, 53. One Enclosure.

Legation of the United States.

Peking, November 13th, 1882.

DEPARTMENT OF STATE
JAN 6 1883
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Assault on Mr. McKibben near Swatow.

Synopsis.

Refers to previous correspondence as given in despatch number 51, and covers a translation of Prince Kung's response. Orders sent to inquire into and settle the business.

No. 53. One Enclosure.

Legation of the United States.

Peking, November 13th, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

Referring to my despatch number 51. enclosing the correspondence in the case of assault upon Rev. Jno. McKibben near Swatow, and calling your attention to my request made upon Prince Kung for an investigation and settlement of the case, I have now the honor to enclose a translation of the response of H. I. H. 1/53.

You will note that he has

has sent orders to the authorities at Canton to have the business "inquired into and satisfactorily "settled."

I shall not fail to keep the Department advised of the further progress of the case.

I have the honor to be,

Sir,

Your obedient servant.

John Russell Young.

Enclosure.

1. Prince Kung to Mr. Young 105/1882. November 12th, 1882.

Despatch No. 53.
Inclosure.

105/1882.

Prince Kung to Mr. Young.

I have had the honour to receive your despatch of the 6th instant reciting the details of an assault by certain Chinese upon Reverend Mr. McKibben, an American citizen, at Ta P'u Hsien in Kuangtung province, while traveling in the interior under a passport. Your Excellency remarks that your Legation has waited for months in the hope that the case might be justly disposed of at Swatow, but the earnest efforts of your officer to settle the case and to

secure

secure the rights of your people having been fruitless, you are obliged to appeal to me &c. &c.

This Yamên has transmitted a copy of the despatches of Your Excellency to the Provincial Authorities at Canton, and has directed them to issue stringent orders that this business be inquired into and satisfactorily adjusted. Thus I beg to inform Your Excellency in reply.

Honourable John Russell Young
&c &c &c &c

Peking, November, 12th, 1882.

Approve, under the circumstances. JW co Jan 4 1883 Chirlw

Mr Stevens should be instructed to report this situation & the facts, which will follow a letter on Jan 4 as soon as formally approved by the Dept.

W Williams

No. 54. Two Enclosures.

Legation of the United States.

Peking, November 14th, 1882.

DEPARTMENT OF STATE JAN 6 1883 RECEIVED

John Russell Young to the Secretary of State.

Subject.

Leave of absence granted to Consul Stevens.

Synopsis.

Mr. Young has granted a short leave of absence to Mr. Stevens. Explains circumstances, encloses correspondence and asks approval.

No. 54. Two Enclosures.

Legation of the United States.

Peking, November 14th, 1882.

Honorable F. T. Frelinghuysen,

Secretary of State.

Sir:—

I have the honor to enclose herewith copies of a correspondence that has arisen between the Consulate General and this Legation in regard to a request made by Mr. Consul Stevens of Ningpo for leave of absence in order to proceed to Yokohama to meet his wife, who is on her way to join him in China. 1/54 2/54.

I have directed Mr. Cheshire

Cheshire to grant the leave of absence requested, and to place E. C. Lord, Esquire, for many years Consul at Ningpo, in charge of the office during Mr. Stevens' absence.

For this action, I beg the approval of the Department.

I have the honor to be,

Sir,

Your obedient servant.

Thos. Russell Young

Enclosures.

1. Mr. Cheshire to Mr. Young. No. 116. October 30th, 1882

2. Mr. Young in response. No. 21. November 13th, 1882.

Despatch No. 54.
Enclosure 1.

No. 116.

Mr. Cheshire to Mr. Young.

Shanghai, October 30th, 1882.

Sir,

I have the honour to enclose
1/- copy of a despatch which I have received from Mr. Consul Stevens, applying for leave of absence to
2/- visit Yokohama; also copy of my reply to same.

As you will observe in Mr. Stevens despatch, he requests me to apply to you, in the event of my refusing to grant him leave.

I have &c &c

(Signed) F. S. Cheshire
Vice Consul General in Charge

Enclosures.

Enclosures.

1. Copy Mr Stevens despatch #84.
2. " " Cheshire " #163.

No. 84.

Mr. Stevens to Mr. Cheshire.

Ningpo, October, 26th, 1882.

Sir,

I expect Mrs. Stevens on the S.S. "City of Tokio" I think, which leaves San Francisco about the 20th of this month. As she is not well and we have had the misfortune to loose one of our Children, since I left home, She is very anxious that I should meet her at Yokohama. Her last letter earnestly requests me to do so, if I can, Judge Denny before he left, told me, I could go, if I wished. But as you and I have had no talk upon the subject, I

now

now ask you if I can have the privilege granted me of going to Yokohama to meet my wife, and return per the next steamer. I do not think it will be necessary for the short time I should be gone to appoint a man as Acting Consul. My Interpreter Mr. Yang can attend to the office business during my absence, and should anything arise of any importance the English Consul, whose office is next door will advise him or advise yourself.

There is no Vice Consul here and no one will accept the position, unless it be the former Consul Dr. Edward C. Lord. While I was sick last spring he kindly offered

to

to render me any assistance I might need, I have no doubt he would do the same now. But I think that my interpreter for the few days I should be absent, could attend to all the business of the office. Thus avoiding the appointing of a man to especially take charge. I trust that if I find it in my power to go to Yokohama you will grant me the above request. To be very frank with you the only thing that makes me hesitate about making the trip is the expense. I have been here but a little over a year, now my wifes coming, puts on additional expence of a thousand dollars upon me, to say nothing of the loss con-

tained

tained in breaking up an old home. You can readily understand that every dollar counts. But I do desire to meet Mr. Stevens.

If it is not in your power to grant this request, will you do me the favour, of asking our Minister, if he will do it. My time is now so short that I am afraid this cannot be done.

I trust you will see your way clear to do me the favour without the formality that is required by the Regulations under certain circumstances.

I am &c

(Signed) Edwin Stevens.

U. S. Consul.

No. 163.

Mr. Cheshire to Mr. Stevens.

Shanghai, October, 30th, 1882.

Sir,

I have the honour to acknowledge the receipt of your despatch of 26th instant, requesting leave of absence to proceed to Yokohama to meet Mrs. Stevens. In reply I beg to state that I regret my inability under the Statutes and Consular Regulations to grant you leave, as no such power is vested in this office: I may further state that I could not under any circumstances approve of your leaving your Consulate in charge of a Chinaman

for

for reasons which you are doubtless aware of. I will address the Minister upon the subject as you request

I am, &c

(Signed) F. D. Cluchine.

Via Consul General in Charge.

Despatch No. 54.
Enclosure 2.

No. 21.

Mr. Young to Mr. Cheshire.

Peking, November, 13th, 1882

Sir,

I have the honour to acknowledge receipt of your despatches 115 and 116.

In the last named I have already advised you by telegraph as follows:-

Tientsin, November 7th, 1882

"Grant Stevens leave, and appoint Lord in his place."

I am &c.

(Signed) John Russell Young.

File for the present

Ack by no. to file (If the concession is granted, it will need no approval; if refused, we should know the grounds of refusal in order to instruct Mr Young)

Mr Williams

No. 55. Two Enclosures.

Legation of the United States.

Peking, November 16th, 1882.

DEPARTMENT OF STATE
JAN 6 1883
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Better trade facilities at Amoy.

Synopsis.

Forwards petition of Russell & Co. and certain correspondence. Mr. Young has approved petition and requested Prince Kung to instruct local authorities to consult with our Consul, and set apart a suitable plot of ground for the use of American merchants.

No. 55. Two Enclosures.

Legation of the United States.

Peking, November 15th, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

I have the honor to submit herewith a copy of a despatch from Mr. Consul Goldsborough at Amoy, covering a petition of Messrs. Russell & Company at that port, and certain correspondence which had passed between the Consulate and the Chinese local authorities concerning it.

Messrs. Russell & Co. request, in their petition, that a certain plot of foreshore land,

north

No. 55. Two Enclosures.

Legation of the United States.

Peking, November 15th, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

I have the honor to submit herewith a copy of a despatch from Mr. Consul Goldsborough at Amoy, covering a petition of Messrs. Russell & Company at that port, and certain correspondence which had passed between the Consulate and the Chinese local authorities concerning it. 1/55.

Messrs. Russell & Co. request, in their petition, that a certain plot of foreshore land,

north

north of the "British Concession" at Amoy, be allotted to them for the construction of warehouses, offices, etc., in connection with their business as tea merchants, upon payment by them of a reasonable price to the native owners of the land.

After a careful examination of the papers, I am satisfied that the request of Messrs. Russell & Company is reasonable and just, and that better facilities than those now existing should be secured to our people for the prosecution of their business at Amoy. More than eleven-thirteenths of the entire tea

export of the port goes to the United States. The conduct of this important trade has hitherto been confined within the limits of the so called "British Concession", which is small and overcrowded. The sites within it along the water front, which are especially valuable for this trade, are already occupied by British merchants. Hence our people are subjected to serious inconveniences, and conduct their business at a great disadvantage.

In view of these facts, while it did not seem best to ask that the precise spot

named

named by Messrs. Russell & Co. be secured to them, I had no hesitation in addressing Prince Kung with the request that the local authorities at Amoy be instructed to consult with our Consul, "and to set apart a "suitable plot of ground along "the water front and near the "Custom House upon which "the merchants concerned may "be allowed to construct "warehouses, offices, and jetties for "their business." In doing this care was taken to point out that it was not within our purpose to ask for an "American Concession", and that the request, if granted, would

still

still leave the land under the exclusive jurisdiction of the local Authorities.

I enclose a copy of my despatch, and beg your approval of my action. 2/55.

I have the honor to be,

Sir,

Your obedient servant.

Thos. Chas. W. Young

Enclosures.

1. Mr. Goldsborough to Mr. Holcombe. No. 126. July 19th, 1882.
2. Mr. Young to Prince Kung. 106/1882. November 14th, 1882.

Despatch No. 55.
Enclosure 1.

Copy.

No. 126.

Mr. Goldsborough to Mr. Holcombe.

Amoy, July, 19th, 1882.

Sir,

In compliance with the petition of Messrs. Russell & Co., I have the honour to transmit herewith a copy of said petition together with the drawings accompanying it which will fully explain the object desired.

I also beg to lay before you copies of the correspondence which have taken place between my predecessor, myself and the Chinese Authorities

authorities since 1848 concerning the property in question; and which will place you in possession of all the information at my command.

I may further add, however, that I believe the statements set forth in said petition accord substantially with the facts.

I am &c

(Signed) N. Ewell Gainsborough

Consul.

Inclosures.

No. 1. Copy of petition from Messrs. Russell & Co.

" 2 Plan. No. 1.

" 3. -Do- 2.

" 4 " 3.

" 5 " Correspondence with Chinese Authorities

" 6 " — Do — from — ditto. —

Messrs. Russell & Co., to Mr. Goldsborough.

Amoy, March, 13th, 1882.

Sir;

We beg to hand you enclosed, two plans of the northern portion of the British Concession at Amoy, — and about 200 feet of the adjacent foreshore, showing a property — next north of Messrs. J. L. Anderson & Co's., premises, leased by us from the Liegwan brothers.

In view of the fact that we may have to leave our present premises on the expiration of our lease, and that it would be impossible for us to obtain suitable premises in which to carry on

our

our business within the limits of the British Concession, we beg that you will obtain from the Chinese Authorities, permission for us to fill in the foreshore in front of the said Lee Gwan hong, to a line with the present bund of the British Concession, and to place suitable buildings thereon for the prosecution of our business.

As the space between Messrs. J. L. Anderson Co's premises - and the Whei Hoi Jetty, is not wide enough for our purpose, we would ask permission to shift this Jetty 20 feet farther North, and we guarantee to

carry

carry the present road to the new jetty, which we will build in a substantial manner and carry to low water mark; the present one being useless at low tide, as it does not extend to within 20 to 30 feet of that point.

We also guarantee to leave a roadway in front of the premises, of the same width as the present British Concession bund, and access to this roadway from the Chinese City, in the same manner as that now existing on the north side of Messrs. J. L. Anderson & Co's. premises.

Plan No. 1. shows the foreshore as at present, and

plan

plan No. 2 shows the proposed change, and we beg, that in forwarding our request, you will point out to the Authorities the improved facilities to Chinese traffic by the proposed change

We are Yrs

(Signed) Russell & Co.,

per. J. J. Howard.

Copy.

Messrs. Russell & Co., to Mr. Goldsborough.

Hongkong, 20th June, 1882.

Sir: —

Referring to our letter dated Amoy, 13th March, requesting you to obtain from the Chinese Authorities permission for us to fill in and build upon a certain portion of the foreshore in front of this city, and adjoining the British Concession on the North, we now beg that you will forward our petition to the United States Minister at Peking and solicit his influence in obtaining from the Chinese Government the

privileges

privileges we ask for.

Since the above date, we have had measurements taken of the foreshore in question which has resulted in a necessary modification of our petition, and we now hand you enclosed, three plans, to which we beg to add the following explanations.

Plan No. 1. Shows the British concession and the foreshore on the North from the line of the said concession to the Tuck Tok Jetty, a distance of 173 feet. The property fronting this foreshore is.

1st. The Lee Guan Hong (

leased

leased by us) and extending from the foreign Concession to the Whei Koi Jetty, a distance of 63 feet.

2nd A narrow irregular strip, said to be Government land, partially filled in, and covered by matsheds, occupied by beggars, and extending from the Whei Koi to the Tsih Tok Jetty, a distance of 110 feet.

Plan No. 2. Shows the changes which we desire to make. As the Lee Guan Hong, and the space in front would not give us sufficient room for our business, we would petition for the privilege to turn the road

road leading to the Whei Koi Jetty, 39 feet to the North, and then carrying it to a line with the new Bund frontage, from whence a new jetty will be built in place of the Whei Koi jetty. This plan shews the property as it would be after filling in, and we would call your attention to the fact that, no persons are inconvenienced in any way by the proposed changes, non private rights are invaded, but on the contrary; greater facilities are afforded to Chinese traffic, and the native residents in the vicinity are, as far as we can learn, pleased

with

with the prospective alterations.

Should this privilege be granted, it will give us, after filling in the foreshore to a line with the British Concession Bund, a property of 102 feet front by 128 feet depth, and, in one piece would be quite sufficient for our purpose, but should the authorities absolutely refuse to allow the road to be changed, and insist that it shall be carried in a straight line to the river bank, then we would submit.

Plan No. 3. In which you will observe that we have asked for 80 feet to the north of the

Wher

Whei Koi Jetty, in addition to the space between the Concession and this Jetty, which would be absolutely necessary for our business if it is found that the property must be divided by a road through the centre.

In forwarding this petition to H. E. the minister we would ask you to draw his attention to the following facts, viz:

1st That British merchants have been granted so much space in which to carry on their business.

2nd That the principal trade

trade of the port is with the United States, citizens of which have heretofore had to depend on leasing premises from British merchants

3rd That the premises we now occupy will be required by the owner on the expiration of our leave and there are no others within the Concession suitable for our business that we can obtain.

4th That the premises we are now asking for consists of waste land and foreshore which is at present useless to any one, but which, by the proposed changes, will

give

give employment to many persons, create a revenue to the Government, materially improve that portion of the city, and to which, as far as we can learn, no objection can, or will be raised, either by Chinese or foreigners.

In conclusion, we have only to add, that we bind ourselves to make the proposed alterations to the road and jetty in a substantial manner, and to pay all Government taxes upon the land, and we trust there will be no difficulty in obtaining for us the privileges asked for.

We &c.

(Signed) Russell & Co.

Plan No. 1.
Mississippi River
Levee
Mississippi
Levee
Wine
Mississippi
Mississippi River (Continued)
Mississippi
Mississippi
Mississippi

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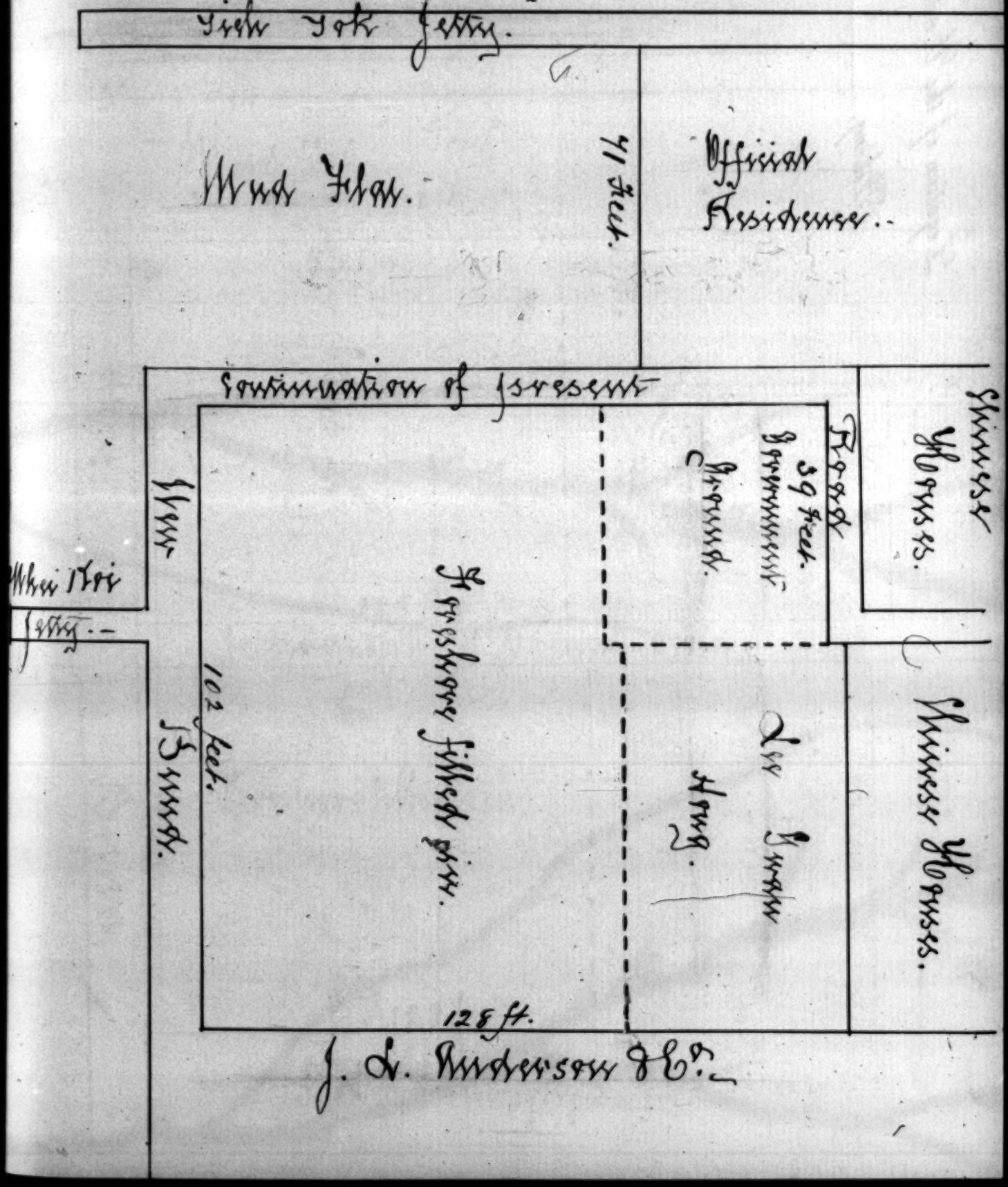
Peking, _____

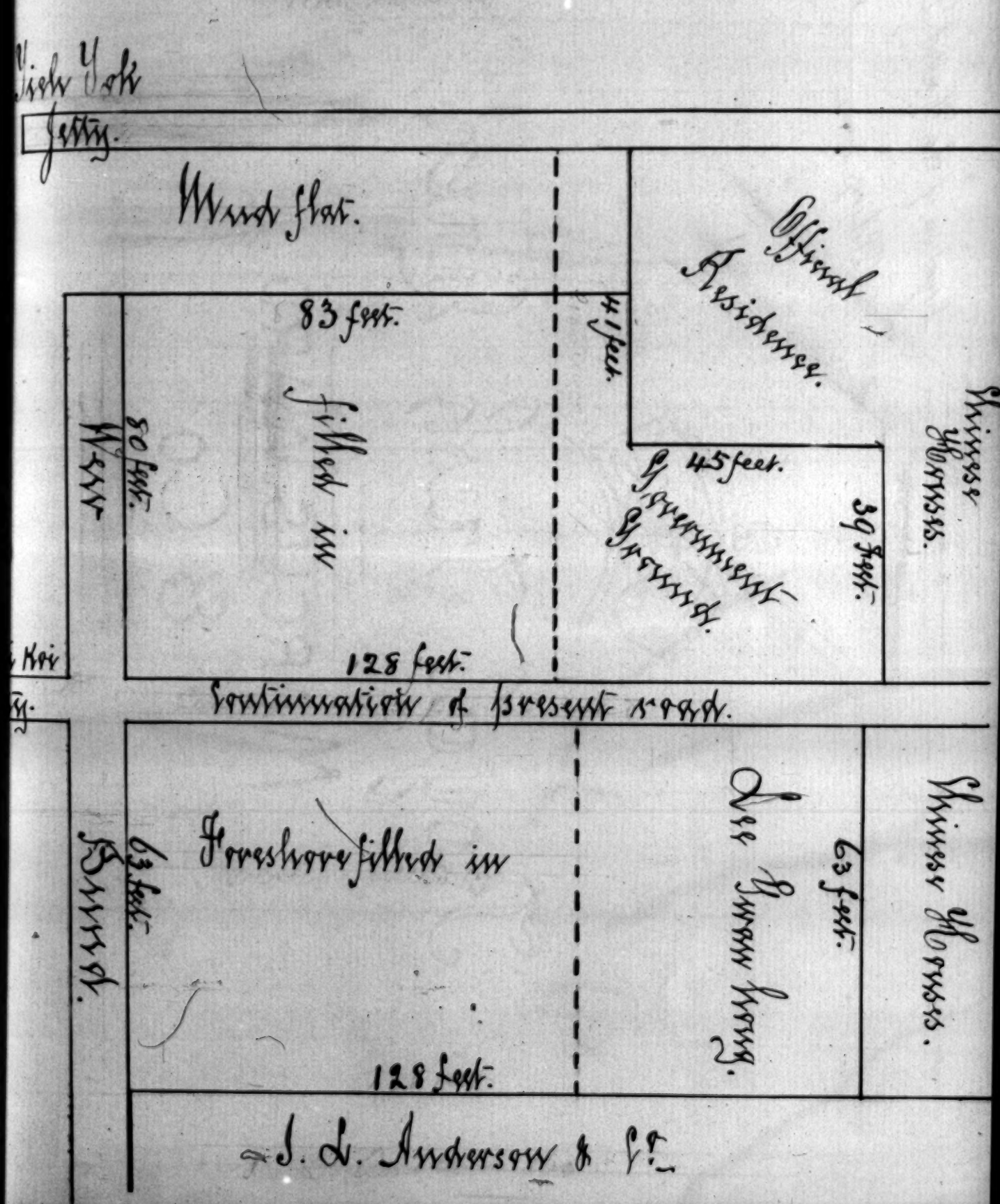
Plan No. 2.


Tide Pole Jetty.
Mud Flat.
41 feet.
Official Residence.
Continuation of present
Chinese Houses.
Road
39 feet.
Government Ground.
Chinese Houses.
Low Water Hong.
Freshwater filled pier.
Mud Flat
102 feet.
Ground.
128 ft.
Tide Pole
Jetty.
J. D. Anderson & Co.

Legation of the United States,

Peking, _____ 187__

Plan No. 3.


Victoria Dock
Jetty.
Mud flat.
Official Residence.
Chinese Houses.
83 feet.
41 feet.
filled in
45 feet.
Ly Quanhsiang & Hanyuk.
30 feet.
80 feet.
Wharf
128 feet.
Continuation of present road.
Foreshore filled in
Chinese Houses.
63 feet.
Ng Quan hong.
63 feet.
Wharf.
128 feet.
J. L. Anderson & Co.

Legation of the United States,

Peking, _____ 187_

Mr. Henderson to Sub Prefect Chü.

Amoy, May, 30th, 1878.

Sir;

I desire hereby to make application to the high provincial authorities through you for the leasing from the Chinese Government of the vacant beach land lying in front of the city of Amoy bounded and described as follows, to be reclaimed and occupied and used by American merchants, ship owners and others, in conformity with the provisions of the Treaty between the United States and China.

Beginning at the north-side of Tez-Street or Jetty on

line

line with the outer bund walls in front of the premises of J. L. Anderson, Esq. and Messrs. Elles & Co., and running thence northward on said line to Ta Ti Do Tan; thence northward to the outer intersection of the Kau Do Tan and bund in front of the Roman Catholic Cathedral; thence along the south side of the Kau Do Tan to the present Chinese dwellings; thence southerly along the edge of the present Chinese settlement by an irregular line leaving 20 feet for a public road to the Tez Street or Jetty.

It is understood that

an

an open space of 20 feet will be left in front of any buildings which may be erected on said land for a public road for ever, and that all jetties which intersect the same shall remain free open and obstructed for public use, and that the usual annual tax will be collected and paid to the Chinese Government.

In making this application I desire to remind the authorities of the great value to the Chinese Government of the Sea-trade of this port with the United States, and of the fact that no ground is at present held by American merchants at this

port.

port. Notwithstanding the frequent attempts which have been made to obtain suitable premises, Messrs. Russell & Co., are obliged to rent an office from a British firm. The P. M. S. S. Co., has announced its intention to have its steamers call here for teas en route from Hongkong to the United States and a portion of the ground will be needed for their godowns, offices &c. A portion will also be wanted for offices and premises of the United States Consulate including post office &c.

I would also point out the great advantage and convenience

venience which would be provided for the people and business of the port at private expense in the construction of the bund in front of the premises applied for, which would be built without unnecessary delay and furnish labour for a large number of native workmen.

In this connection I would add to this application a request for permission to take stone from convenient places with which to build the front bund and wall.

Will you be good enough to make the necessary examination and report this application to the provincial author-

ities

-ities at your earliest conven-
ience.

I am &c.

(Signed) J. J. Henderson.
Consul.

Translation.

Chü, Sub Prefect of Amoy, &c sends the following reply:-

On the 1st instant, I received your despatch concerning the beach-land situated between the Tsz-kai jetty and Kiu-do-Tan in front of Amoy, which you desire to lease from the Chinese Government for the interest of American merchants and the public of this port.

&c.- &c.- &c.- &c.-

In reply, I beg to inform you that the aforesaid beach-land being Chinese Government property, might be leased to the American citizens and reclaimed for the

purpose

purpose of building offices, godowns, &c. but, in former years, when the British Consul, Mr. Alabaster, desired to lease the beach-land situated at Kiang Tez-how, it was not long since the decision was made that it shall be reclaimed by the Chinese authorities; and, if your application for the aforesaid beach land be granted, it would seem that the matter is to be dealt with different terms, thus enveloping universal justice and sincere friendship of China in their treatment with foreign countries. Should the British Consul, Mr. Alabaster, put me a question, that, both being beach-lands, although in different lots, yet

not

not far from each other, how is it that the one is granted to American citizens, while the other is not granted to British subjects? I will really have nothing to say in reply.

If you, however, require some land for building purposes, you may with the exception of beach land, look along the coast of the Amoy harbour, and select another suitable spot for such purposes, and communicate same to me when I shall be glad to do my best to consider the matter and grant the lease if possible.

A necessary communication.

To, J. J. Henderson, Esq.

In the 4th year of Kwang Sü, 5th moon & 8th day,
(June 8th, 1878.)

Mr. Henderson to Sub Prefect Chü.

Amoy, June, 13th, 1878.

Sir:-

I beg to acknowledge the receipt of your despatch of the 8th instant, concerning the beach-land situated between the Tez Street and the Kau Lo Tau, in front of Amoy, which I desire to lease from the Chinese Government for the interest of the American merchants and the public of this port. You have, however, not informed me whether you would report on my application and forward the same to the provincial au-

thorities

-thorities as requested. I now-
beg to call your attention to
this, and to express the hope
that you will not make delay.
The matter is of great urgency
owing to the scarcity of room
for storing and matting teas
&c., I am sure there will be
no objection by the British-
merchants, as the land in-
question is not connected with
theirs in any manner. It
will rather benefit than in-
jure them to have a bund ex-
tending along the city front for
public use, in continuation of
the important similar work
now being performed by

your

your Government.

I am &c. —

(Signed) J. J. Henderson.

Consul.

11

Translation.

Sub Prefect Chü to Mr. Henderson.

On the 14th instant, I received your despatch concerning the beach-land situated between the Tez-Kai Jetty and Kiu-Do Tan in front of Amoy, &c &c.-

In reply I beg to say that between the aforesaid beach-land, there are the Tien Pau, Ta-Teh, Hung-Pun-Puh and Ti-Tih Kau Jetties which are all important places for the merchants and the public to land and ship their cargo, - and very valuable spots, a foot or even an inch of which, disputes will surely arise - about

about. Whenever such places will be reclaimed and buildings erected thereon, although these jetties may be retained, yet many obstructions can hardly be avoided. Further, they are very near to the beach-land at Kiang-Tsz-Kow, which is being reclaimed by the Chinese Government, and both the former and the latter being beach-lands, it will therefore be inconvenient to comply with the request made in your dispatch.

For the above reasons, I have not yet made inspections and measurements of same, but I have already reported the matter to the Taotai and requested

-ed him to forward it to the high au-
thorities for their examination, and,
at the same time, have already re-
quested you to look along the coast
of the Amoy harbour, with the
exception of beach-land, and
select another suitable spot for
transacting business and build-
ing purposes, and then commu-
nicate same to me for my consider-
ation.

Now, as you have again
called my attention to this matter,
I will certainly make a full and
correct report to my superior au-
thorities for their investigation and
instructions, and I deem it ne-
cessary to send you this reply
beforehand

beforehand.

In the 4th year of Kwang Seü, 5th moon and 14th day.

(June, 14th, 1878).

Sub Prefect Chiu to Mr Henderson.

On the 8th instant, I have been notified by A. E. Sz Tu, Taotai of Amoy, to that, on the 5th instant, he received the following instructions from A. E. Ho, the Viceroy:-

"Whereas the said Sub Prefect made a report to me stating that, as the U. S. Consul, Mr Henderson, had made an application for the back-land situated between Toz Kai Jetty and Kiu-do-Tan, he (the said Sub Prefect) sent him (Mr Henderson) a reply saying that it will be inconvenient to grant the lease, and requesting that another spot be selected and informed of for consideration, and where-

as

as the said Sub Prefect petitioned me to examine the matter and give him instructions - &c. - &c. - &c. -

I hereby notify that the beach land at Yez-Kai-Jetty is combined with the one at Kiang-Yez-Kow like a dogs' teeth; and what the Americans called the vacant land to which the river dashes is this very spot, and they did not only mean the beach land at Kiang-Yez-Kow.

"In former years, the U. S. Minister, in addressing to the Tsung Li Yâ mên, said, 'the subject of the vacant land to which the river dashes be postponed until the local authorities

ies and the land-holders agree to give it up to American merchants.' To agree to give it up or not is subject to the Chinese, the U.S. Minister had acted upon the matter with justice in using such expressions. Now, the beach-land has never been agreed to be given up, while the U.S. Consul suddenly desires to act in the matter, it would seem that he is opposing to the U.S. Minister, and also actually acting in violence of the Treaty which prohibits 'unreasonably insisting on particular spots.'

"In former years when the British merchants applied for the beach-land at Kiang-Tze-

Kow,

now, their application was not granted; now, the American merchants apply for the beach-land at Iz-Kai, and as the matter is of the same manner, it will be inconvenient to deal with it in different terms.

Further the spot where the American merchants applied for, being valuable place, and very importans for the public to land and ship their cargo, a foot or even an inch of same will surely be disputed; whenever it is filled in, the Chinese boats will have difficulties to anchor, and it may be feared that troubles will arise.

5 I

I hereby notify you, the Intendent of Circuit for Amoy, &c., to instruct the Sub-Prefect to look into the contents of the last despatch of the U. S. Minister, and also Art. XII. of the Treaty with the United States, and send a reply to Mr. Consul Henderson, requesting him to notify the American merchants to select and lease another spot; and I desire you to forward me by each opportunity a report of what steps he will take in the arrangement of the matter for my examination and consideration.

Having received the above instructions, it is deemed necessary to notify the said Sub Prefect

that

that he should at once send a reply in obedience to the High Authorities instructions, to Mr. Consul Henderson, requesting him to notify the American merchants to select and lease another spot; that he should also forward by each opportunity a report of what steps he will take in the arrangement of the matter, and not make any delay.

Having been notified of the above, I beg to inform you that when I previously received your communication concerning this matter, I had already forwarded my report to the high author-

ities

ities and asked for their instructions. Now, as the Taotai has, by order of the Viceroy, instructed me to send you a reply, I deem it necessary to send you this communication with a request that you will please notify the American merchants to select and lease another spot, and also favour me with an answer as to the steps you will take to arrange the matter, in order that I may consider and forward a report to my superior authorities, and hope you will not make any delay.

A necessary communication.

In the 4th year of Kwang Hsü, 6th moon & 11th day.

(July 10th, 1878.)

Mr. Henderson to Mr. Sz Yü. Intendant of Circuit - Amoy.

Amoy, August, 31st, 1878.

Sir:-

After some weeks busy attention to other affairs I beg to recur to my dispatch of May, 30th, making application through the Sub-Prefect of Amoy for the lease of certain beach-land in front of this city, and to his letter quoting from the reply of the Governor General at Foochow pointing out certain objections to letting this particular piece, and at the same time, requesting me to select another, I now beg to

say

say that in deference to the wishes of the high officers I have carefully re-examined the whole matter, and discover that I am unable to find any other sufficient vacant place that will at all answer the purpose for which the ground is chiefly wanted, to wit: as a site for offices, godowns, &c, for buying, packing and shipping tea to the United States. This trade is, as a matter of necessity, all carried on in the close vicinity of the Custom House. A place in any other part of the city would simply be impracticable and would not answer at all. To deny

us

no room in or practically near the sea quarter would be equivalent to saying we shall have no room at all, and this I feel assured you do not desire to do.

The native maps which I have seen do not correctly represent the condition of the city front with respect to this beach, in that they make it appear that the beach is filled out even with the Catholic Cathedral and the present foreign hongo and Custom house. Next to Mr Anderson's place there is an offset of 88 feet before coming to the native houses, and the Cathedral property projects beyond the native houses a distance of 164 feet.

The

The entire beach where the piece for which I applied is located is I find on measurement 262 feet wide at Tsz-Kai Jetty, 276 at Ti Tih Jetty, 239 feet at Ta Tih Jetty, 289 feet at Hung Pun Puh Jetty, and 309 feet at Tien Pau Jetty. A very small proportion is ever occupied by cargo boats or junks. But please observe that I have only asked for a strip 97 feet wide at Tsz-Kai Jetty, 131 feet at Ti Tih Jetty, 142 feet at Ta Tih Jetty, 129 feet at Hung Pun Puh Jetty, and 167 feet at Tien Pau Jetty, or much less than half the whole beach, so that there will be still an

abundance

abundance of room for boats. It is only desired that it shall come out as far as the bund wall of the present foreign hongs, thus making the city front straight. The jetties will of course be raised and enlarged after the present manner of improving the Government jetties in front of the British premises.

The circumstance that the ground is near to the piece for which we first applied some years ago, and which was afterwards wanted by the English merchants (who had been already well provided for) seems to be rather favourable to our applic-

ation

-ation than otherwise. It would certainly be better for all the foreigners to be together than scattered over different portions of the city.

I beg you will remember that and carefully consider that more than eleven thirteenths of the entire export trade of Amoy is to for the United States (see Customs report 1876): and the circumstance that most of the labour of buying and shipping is at present performed by English shipping cannot affect the case, for they only act in the capacity of brokers or agents for the merchants in New York, some of whom now

wish

wish to establish places of their own. I certainly am not mistaken in believing that the treaty entitles us to equal privileges with the people of other nations and especially when this port and the Government of China derive more profit from the trade of the United States than from that of all other countries combined.

If the high authorities are still of opinion that to grant any application would too much interfere with the cargo boats, let it be amended so that the lower, larger half, where junks most anchor,

be

be omitted, and the small vacant piece adjoining the old premises of Dodd & Co., at the other end of the new bund, be included in its stead. These will possibly supply us with sufficient room for some insurable godowns that are now so much and urgently wanted.

The upper end of the piece I first applied for is but little used for any purpose, and I only desire to reclaim it to the line of the present bund wall of the foreign hongs.

To do so and leave a road in front for public use would greatly benefit the entire

city

city now without any road in that place, besides the other good results that I enumerated in a former dispatch.

All I ask is what is right and fair and just, what we are entitled to under the treaty and on the merits of American trade with the port, and the privileges of this kind which have for years been granted by the Government to British merchants.

I hear it rumoured, as coming from a high officer, that no more land is to be let to foreigners at the city front. This seems incredible; and how can it be, in view of the treaty,

the

the superiority of American trade with the port, and above all, the fact that the British merchants have been so well provided for? Are Americans, let me ask, not entitled to equal privileges with the people of other nations, whose trade is of far less value to China, or are they to have nothing?

I am at present, under an instruction from the Government at Washington, engaged in writing a series of reports on the opportunities for enlarging the trade between China and the United States, both Export and Import, which in the matter of tea from Amoy to New York, is already

as

as I have reminded you, very large. In vain may I point out the superior qualities of Amoy and Formosa teas, which Americans like so well, and urge them not to forsake their old love for the imitations that are now being made in Japan and India as some other peoples are doing if I am obliged to report that notwithstanding the frequent and continued efforts that have been made in that direction, the authorities of this great Government are unable to give our merchants a single spot available for the purposes of their business: and that we are thus practical-

ly

ly excluded altogether from taking part in the trade of the port, or compelled to continue doing our business through English merchants or at least on premises belonging to British and under their control.

Earnestly requesting that the high officers will re-consider this important matter and grant the request I now make.

I &c –

(Signed) J. J. Henderson

Consul.

Tsz-Tu, Taotai of Amoy to Mr. Henderson.

On the 14th instant, I rec'd your despatch having reference to the beach land situated between Tsz-Kai Jetty and Kiu-do Tan in front of Amoy - yee yee yee

In reply thereto, I beg to say that since China has opened its trade to foreign countries, every case has hitherto been expected to be treated with justice and without any partiality.

In former years, British merchants were the only applicants for leasing private ground, reclaiming sea-beach, and building offices and godowns; therefore

fore, they were the first who had obtained land advantages. At that time, no American merchants, or merchants of other nations, applied for any ground for building houses; then, how could the Chinese Government have ground beforehand for the present applicants?

Some years ago, had your predecessor, Consul de Gendre, or yourself applied for the beach-land at the Joz-Nai-Jetty, it might probably have been leased and reclaimed. But, Consul de Gendre, instead of asking for it, at first applied for that piece of beach-land in front of the British merchants' premises

at

at Kiang-Tez-Now, the British Consul was, therefore of opinion, that it would cause inconvenience to British merchants, hence a dispute arose. For this reason, the Chinese Government were obliged to make the decision that no beach land shall in future be leased to any foreigners whomsoever so as to act with justness.

In the previous year when British merchants again wished to lease the beach-land at Kiang-Tez-Now, you could have taken the old case of Consul Le Gendre, and disputed against their application, but you never said one word against it, nor did you say about the greater trade

between

between the United States and China, and the great necessity of beach-land for building offices and godowns.

The U. S. Minister, in addressing the Tsung Li yamên, said, "The subject of the vacant land to which the river dashes, be postponed until the local authorities and the land holders agree to give it up to American merchants." In this it has distinctly shown that the Americans have had no desire for ground, otherwise why did the U. S. Minister send this despatch?

Now, the Chinese Government

ment having agreed and decided with the British Consul, that, hereafter, beach-land will be reclaimed by the Chinese authorities, and never be leased to anybody so as to prevent any partiality from going on, but, unexpectedly, it is not half a year since that decision, you now desire to lease and reclaim the beach land at the Tsz-Kai-Jetty. Should the British Consul come and ask me why was the beach-land in front of the British merchants' premises not leased to British merchants while the beach-land not in front of American merchants' premises

is

is now leased to American merchants? Would this not be more favourable to the Americans than to the British? I would certainly not be able to reply to these questions. Will you, therefore, advise me how to answer him.

It is a fact that you did not at first apply until now when there is such objection, and it is not that I do not wish you to have ground or refuse your application.

As it is not a fair and friendly treatment of China to the American merchants that the latter have no ground which is urgently

urgently wanted by them for building houses for their tea business, therefore, the high authorities have notified me that another spot be selected and be leased to them. Before I received your despatch, I had already accompanied the sub prefect to inspect those places about the Custom-house, and found at Xui Tsz Now, some foreign-looking buildings which belong to Chinese, and all the Chinese dwellings along the city front which may be leased. They are near the Custom-house, in a line with the premises of Ollia Co., Jardag Co., and Mal campo Co., and inowable.

On

On the other side, all the Chinese settlements along the Tsz-Kai-Jetty, the Ta Tih Jetty, and the Aung Sun Puh, may be leased. They occupy a large piece of ground, and, as the beach land is in their front, they may be insured from danger. If these are leased, the expense in rebuilding is smaller, and the work is easier than that in reclaiming beach land. If the inhabitants want to make a squeeze of money, I will certainly order the Sub-Prefect to advise them to lease in a fair way so as to shew that I am speedingly glad for the Americans to

have

have some places for their tea business.

If you do not take solid ground which is now at-hand, but simply wish to reclaim beach-land, it seems that you have no desire to lease beach land at all, but simply a wish to place me into difficulty. I think, you, who have heretofore been very intelligent and very friendly to me, would certainly not like to do so. Consequently, on the 25th instant, when I called on you, I have already communicated with you about this difficulty, and reminded you that the matter is to be dealt with

justice

justice.

It will be very convenient for American Merchants to select another spot. After all, those American Merchants who wish to lease any ground, would be better to lease those houses along the city-front, and near the Custom-house, and there seems no necessity for them to spend a large sum of money in reclaiming the beach land which they have come difficulty to acquire, and I respectfully hope you will carefully re-consider the matter, and favour me with a reply.

That portion of beach land on the right side of Dodd Wo.

the

the Chinese Government are going to reclaim along with that in Kiang-Tez-Now for their own use, and there will be no necessity to say more about it.

Besides forwarding a copy of your despatch and my report to the high authorities for their consideration, it is right to send you this communication.

In the 4th year of Kwang Hsü, 8th moon & 24th day.

(September 28th, 1878.)

Mr. Goldsborough to Taotai Sii.

Amoy, March, 13th, 1882.

Sir;

I have the honour to submit to you the enclosed documents, plans, &c. which will make known to you the desires of the American firm, Messrs. Russell & Co., with reference to the properties therein set forth.

I trust that you will be pleased to give the matter your early attention, as it is one which would seem to be of importance and value to all the parties concerned.

I would beg respectfully in this

this connection to call your Excellency's attention to Article XII of the Treaty existing between the United States and China.

I am &c.

(Signed) W. Elwell Goldsborough.

Consul.

Siü, Taotai, to Mr. Goldsborough.

I have the honour to acknowledge the receipt of your despatch of the 14th instant and its inclosures, having reference to the desires of the American firm of Messrs. Russell & Co., &c &c &c &c.

In reply thereto, I beg to inform you that, if these merchants want to lease houses, or build houses on the land which they have leased, I would have much pleasure of allowing them to do so; but that plot of beach-land in front of the premises referred to in your dispatch

being

being required by the Chinese Government for their absolute use, no matter whether alterations are to be made to the jetty which would cause many obstructions, or no alterations at all, it can not be leased nor granted to them to fill in.

In 1878, when your predecessor, Consul Henderson, applied for that plot of beach-land at Tsz-Kai Jetty, my predecessor had sent him a reply quoting the decision of the superior authorities that it cannot be granted to any body, thus showing the Government's justness.

I now deem it necessary

to

to request you to be pleased to look into the old case, and inform Russell & Co.; that they need not make any further request.

Besides notifying the Sub Prefect of Amoy of this, I most respectfully send you this communication with my request that you will oblige me by taking the matter into consideration, and informing the said merchants of these contents.

A necessary communication.)

In the 8th year of Kwang Sü, 1st moon & 28th day.

(March, 17th, 1882.)

Dispatch No. 55.
Enclosure 2.

No. 106.

Mr. Young to Prince Kung.

Peking, November 11th, 1882.

Your Imperial Highness,

I have the honour to inform Your Imperial Highness that I am in receipt of despatches from the United States Consul at Amoy covering the petition of certain American merchants at that port who ask that a suitable plot of ground should be conceded to them outside of the British Concession at Amoy upon which they may construct the necessary warehouses, offices, jetties, etc for the prosecution of their business.

I

I have carefully examined the petition referred to, and believe the request set forth therein to be eminently reasonable and for the best interests of Chinese and foreign merchants.

The principal export from Amoy is Tea, and of this article more than nineteenths of the total export goes to the United States. No suitable facilities exist for the conduct of this large and growing commerce. American merchants engaged in the trade are forced to lease premises, back from the water front, from British subjects, and within the British Concession, which is small and already

ready overcrowded. Serious inconveniences and an unjust discrimination against our people is the necessary result of this state of affairs. As the tea is brought down from the interior in small boats and transhipped, after paying Customs duties, to large vessels for Export to foreign parts, it will be evident to Your Imperial Highness that American merchants should be allowed a proper place on the water front and near to the Custom House for the Conduct of this business.

And I beg further to point out to Your Imperial Highness that the wants of British Merchants at

Amoy

Amoy in this regard were amply provided for years ago by the allotment of space along the water front - now known as the "British Concession". As it is the wise policy of the Government of Your Imperial Highness to treat all foreigners with the same measure of kindness and hospitality, you will, I am sure, at once admit that American merchants should be granted the same facilities for the conduct of their trade at Amoy as were long ago conceded to British.

At the same time I beg to point out that it is not the wish or thought of this Legation to ask for an "American Concession" at the port in question. It

is

is not the policy of my Government to seek to withdraw in any sense whatever any area at the ports or elsewhere from the sovereign control and jurisdiction of His Imperial Majesty. Hence the request made herein, if granted, would still leave the land concerned under the authority of the local authorities at Amoy.

Under these circumstances and conditions I doubt not that Your Imperial Highness will agree with me that the petition of the American merchants is just and reasonable and should be granted. And I beg Your Imperial Highness to instruct Your local authorities

at

at Amoy to consult with the United States Consul there, and to set apart a suitable plot of ground along the water front and near the Custom House upon which the merchants concerned may be allowed to construct warehouses, offices, and jetties for their business, upon paying the owners of the land a reasonable price for it.

I have &c &c

(Signed) John Russell Young.

Two Enclosures.

Legation of the United States.

Peking, November 20th, 1882.

DEPARTMENT OF STATE
JAN 6 1883
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Salary as Chargé d'Affaires.

Synopsis.

In obedience to the suggestion contained in Department instruction dated September 28th ultimo, Mr Holcombe encloses two statements of amounts due, and asks that they be approved, and included in the next deficiency bill.

Two Enclosures.

Legation of the United States,
Peking, November 20th, 1882.

Honorable F. T. Frelinghuysen.
Secretary of State,

Sir:-

I have the honor to acknowledge, with my best thanks, receipt of Department instruction, dated September 28th, 1882., in response to my despatch number 158., of August 15th, relating to the question of additional compensation while in charge of this Legation.

In obedience to your suggestion I enclose herewith a statement of the amount of additional

additional compensation, over and above my salary as Secretary of Legation, due me for service as Charge'd Affaires from July 1st 1878. to June 19th 1879., and a similar statement of the amount due me for like service from October 13th 1881. to August 17th, 1882. From these statements it appears that the total sum due me is $1821.92.

1/

2/

If these accounts prove to be correct, I beg that they may be approved by the Department and transmitted to the Treasury, and that the Department will kindly see that they are included in the

next

next deficiency bill.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Statement of amount due for service as Chargé d' Affaires from July 1st 1878. to June 19th, 1879.
2. Statement of amount due for service as Chargé d' Affaires from October 13th, 1881. to August 17th, 1882.

Mr Hillemann

Acts of his course seem consonant with all that has preceded it, and is accordingly approved. Jany 9, 1883. Cridler

No. 56. Two Enclosures.

DEPARTMENT OF STATE
JAN 6 1883
RECEIVED

Legation of the United States,
Peking, November 20th, 1882.

John Russell Young to the Secretary of State.

Subject.

Assault on Rev. Mr. Sites at Yenping.

Synopsis.

Refers to Mr. Holcombe's number 155. of August 3rd and encloses a further report. No settlement effected because of obstructive action of Chinese local authorities. Has again appealed to Prince Kung. Asks approval of course as described herein.

No. 56. Two Enclosures.

Legation of the United States.

Peking, November 20th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

Referring to previous correspondence between this Legation and the Department in regard to the assault upon Rev. Mr. Sites at Yenping in December 1879., and more particularly to Mr. Holcombe's despatch number 155. of August 3rd ultimo, I have now the honor to enclose a copy of Mr. Hingate's further report in the case. 1/56.

Your

You will see from this that, in spite of the understanding reached between Mr. Holcombe and the Foreign Office, the Viceroy of Fukien has still continued to discuss the petty question as to the Chinese characters to be used to designate the Chapel, and that, as a necessary consequence of this obstructive conduct on his part, no progress towards a settlement has been made.

I have again appealed to H. I. H. Prince Kung to issue such orders as will put a stop to this trifling with serious business. A copy of my despatch is enclosed. And I shall

2/56.

instruct

instruct Mr. Consul Kingate to decline absolutely any further discussion of the question mentioned above.

I beg your approval of this line of conduct on my part.

I have the honor to be,

Sir,

Your obedient servant.

Thos. Russell Young.

Enclosures.

1. Mr. Kingate to Mr. Young. No. 34. October 6th, 1882.
2. Mr. Young to Prince King. 108/1882. November 17th, 1882.

Despatch No. 56.
Enclosure 1.

No. 34.

Mr. Wingate to Mr. Young.

Foochow, October, 6th, 1882.

Sir,

I have the honour to enclose, herewith, copies and translations of further correspondence with the Chinese Authorities regarding the Sites-Yen ping case. 8/

To me this is most unsatisfactory, but, as I hope to accompany this to Peking, and then to be able both to express my views regarding it and also to receive your instruction therein, I will not now comment upon it. I will only state that the Methodist Mission has readily assented to the suggestion, contained in Mr. Chargé Holcombe's despatch No. 18, to delay for a time putting any sign on their

Chapel

chapel in Yen ping; but I have not myself thought the proper opportunity has presented itself for me to inform the Viceroy of the fact.

I have &c.—

(Signed) J. C. A. Mingate.

U. S. Consul.

Enclosures.

1. Hsieh, Taotai to Mr. Mingate. Sep. 6th 1882.
2. Mr. Mingate to Hsieh, Taotai —"— 20th —"—
3. Same.— —"— 25 —"—
4. Hsieh. Taotai to Mr. Mingate. —"— 24 —"—
5. Mr. Mingate to Ho. Viceroy —"— 24 —"—
6. Ho. Viceroy to Mr. Mingate —"— 28 —"—
7. Mr. Mingate to Ho. Viceroy —"— 29 —"—
8. Ho. Viceroy to Mr. Mingate Oct. 1 —"—

Hsieh-Yaotai to Mr. Mingan.

I am honoured to have it from the two high authorities - Members of the Board (of War), the Governor General and the Governor and from the high authority the Tartar General that on the 26th August they rec'd a note from the Tsungli Yamên, stating:

"In the Yenping mission case, "the action the local authorities "have taken according to treaty "upon Mr. Holcombe, Chargé d' "Affaires' three requests, we, re-"lying upon your correspondence, "immediately at the time commu-"nicated to Mr. Holcombe, Chargé "d'Affaires, (for him) in turn to "direct the case closed.

"Thereafter Mr. Holcombe, Chargé "d'Affaires, came to the Yamên "and personally negotiated re-"questing that we correspond -

"with

"with Fokien in turn to direct the
"local authorities that, as to the
"hanging out of a signboard, they
"need not hold fast to the idea that
"it would not do. I also will in
"turn direct the Consul presently to
"examine the circumstances, consider
"them and deal with (the case).
"It seems as if there were nothing
"impracticable (about this) etc. –

Having been honoured (with this sent us), we in turn direct you to find as represented and close the case, etc. –

I, (Hsieh Tautai) being honoured (with this) find that this sort of building was leased at the time as a boot-shop. The people of the place were not willing it should be a chapel. For the local authorities to deal with the case, was really difficult. If (the chapel) having now been returned to the missionaries,

and it further having been allowed them therein to worship and repeat their litanies, this is already accommodation out of the usual, the object being long peace between the people and those of the religion. The hanging out of a signboard, it seems as if there were no end of further discussing. Mr Holcombe, Chargé d'Affaires should already have informed you, the hon. Consul, by despatch. I still further hope that you, the hon. Consul, in reply will inform me how you look at the circumstances and would deal with the case, considering (these), in the hope of closing the case, that I may deal accordingly.

Besides giving the local authorities directions for their observance, it is fitting that I immediately send you, the hon. Consul, a communication for

you

you to find as represented and give me an immediate reply.

A necessary communication.

Sept. 6th, 1882. (Kuangsü, 8th year, 7th moon, 24th day.)

Mr. Consul Mingan to Hsieh. Taotai.

Foochow. Sep. 20th, 1882.

Sir,

I have the honour to acknowledge the receipt of your despatch of the 6th inst.- relative to the Sieu Yenping case. You therein quote certain instructions received by you from the High Provincial Authorities.

You then go out of your way to express in a manner which you know is offensive to this office your own opinion as to the purpose for which the M. E. Mission leased the building near the little water gate in Yenping. You say the building has already been returned to the missionaries, and it further having been allowed them therein to worship and repeat their litanies, this is already accommoda-

tion

tion out of the usual &c &c —

Pray what offence have the missionaries committed to have deprived them of their treaty right to freely worship anywhere in Fokien, that you should so condescendingly speak of a favour beyond the usual as having been granted them. I should judge from your despatch that the mission had been on trial and not that one of their body had been murderously assaulted in Yenping.

If as I understand from the U. S. Legation at Peking, the High Provincial Authorities have been explicitly instructed that they have no right to interfere or dictate in regard to the name to be given to the premises near the little water gate in Yenping which were used by the M. E. Mission as a book-shop and chapel until they were driven out by a mob, and if they

will

will obey those instructions, I see no reason why the case may not be settled. The U. S. Legation has given me certain instructions in the case and I shall obey them, but the preliminary action to the settlement of the case must come from the Chinese officials, and must not consist in catechising me as to how I view one aspect of the case.

It is now nearly three months since I gave into your own hands drafts of two proclamations which I had received from the Chinese officials. I noted thereon the changes which I wished made, and which would make them satisfactory. These proclamations constitute a part of the settlement in accordance with the three points laid down by Mr. Charge Holcombe. How is it that neither you nor any other of the officials have since mentioned them. Surely

some

some action is necessary on the part of the Chinese Officials. It is not I who stand in the way of the three points.

I await your reply, trusting it may have a different tone from the despatch to which this is an answer.

I have &c

(Signed) J. C. A. Wingate.

U. S. Consul.

Mr. Wingate to Hsieh Taotai.

Foochow, Sept. 25th, 1882.

Mr. Wingate expects soon to visit Peking where he will be favoured with the advice of His Excellency the American Minister.

There are several long pending questions which will then receive attention unless previously settled. In order to afford another opportunity for the desired settlement the Consul proposes to send Mr. Cowles to communicate with the Taotai at 2 o'clock P. M. the 27th instant, trusting that the hour named may prove favourable.

With compliments and a card.

Asiah Taitai to Mr. Wingate. –

Abruptly in reply.

I yesterday received your note to hand and learned that you, the hon. Consul, were soon to visit Peking and that you appointed the 27th. of September at 2. P. M. to send Mr. Bowles to my office to consult about and close the several cases not closed etc. –

Received. –

I naturally ought to await him according to your appointment, but I have now entered the Examination Ground to administer the affairs (falling to me as) Proctor, and must wait till the affairs of the lists are finished to go out of the lists.

As you, the hon. Consul, are now proposing to go north, I request that Mr. Bowles consult with

Fang

Fang Taotai: there is nothing in the way of this.

If one must really negotiate with me, the Taotai, then put it off till the middle ten days of the ninth moon, (Oct. 22nd and after) when I the Taotai return to my yamên, and I will again make an appointment, invite him over and await him. I hope further for an immediate reply. For this I shall be obliged.

I indite this in reply, and repeat, then, my wishes for your joy in promotion.

I beg you to irradiate this only, and do not (write) another (note of compliment).

September, 27th (1882.)

Mr. Wingate to Ho Viceroy.-

Foochow, Sept. 27th, 1882.

Mr. Wingate, the U.S. Consul presents his respectful salutations to His Excellency Ho, Viceroy &c.- and requests the Viceroy to favour him with an audience at 10 o'clock A. M. on the 29th instant.

The Consul is about to proceed to Peking where he will be favoured with the advice of His Excellency the American Minister. He therefore wishes if possible to be able to report a satisfactory conclusion of the Sites Yen ping case. To this end the Consul proposed to send Mr. Burgess Bowles to consult with Hsieh-Taotai, but received for reply that the Taotai is so taken up with examination that he cannot attend to the matter. It therefore only remains for the Consul to endeavour to

settle

settle the case by direct consultation with the viceroy.

Trusting that a happy ending of this long unsettled case may be arrived at, the Consul again presents his compliments and good wishes for the health and prosperity of his Excellency the viceroy.

With a card.

No. Governor General to Mr. Mingate.

Abruptly in reply.

I yesterday received your, the hon. Consuls' note and was thereby made acquainted that you in a few days were to go up north. You leaving immediately for a distance I would set eyes on you in ardent attachment. The one and the other of us both have the same feelings.—

But days in succession are all within the dates for autumn — Sacrifices. Within these few days it is further urgently necessary to consider and arrange public business. Allow of a few days delay and I ought again to appoint a date and tender you an invitation.

As to the Yen King case, there have long been negotiations com-

pleted.

pleted. If you, the Hon. Consul, can realise (in action) the American Minister's absence of intent to thwart the people's wishes, and admonish the missionaries to realize the circumstances; that they need not hold fiercely to hanging out a signboard with the style "Chapel" (Hall for the "Sect or religion"); into "Hall for Books", it would not be difficult to immediately close the case. "Hall for Books" is a style similar to that of "College" or "School" and also very respectable.

This in reply. I avail myself of the opportunity to wish you the blessings of the season.

With a card.

Septr. 28th, 1882.

Mr. Wingate to Vice-Viceroy Tse.—

Foochow, Sep. 29th, 1882.

The Consul learns, with regret, from the Viceroy's polite note of the 28th instant, that His Excellency was unable to grant an audience on the day proposed, as there is only a little time before his departure for Peking, he expecting to start within seven days.

The Consul was very sorry however to learn that His Excellency the Viceroy still holds to his determination to fix a name for the building of the Methodist mission near the little water gate in Yenpeing.

The Consul has himself been instructed that he is not to discuss the name by which the building is to be called, as that is the business solely of the missionaries. He was also informed by the Chargé d'Affaires at Peking that the Tsung-li-Yamen agreed

to

to inform His Excellency the Viceroy of Foochow explicitly that he had no right to interfere or dictate in regard to the name, to be given to the premises. It would appear from the note just received that this information from Peking cannot yet have been received.

The missionaries, the Consul and the Legations have been most anxious to settle the case in a conciliatory manner, and to that end have already yielded very much to the prejudices of the people.

The Consul again renews his assurances of respect and good wishes for His Excellency the Viceroy (With a card)

No. Governor General to Mr. Wingate.

A reply abruptly.-

I have received your note in reply, perused and made myself acquainted with it all.

In the Rev. Mr. Giles' Ningpo case I, President of the Board (of war), before received from the Tsung-li-yamen a note that Mr. Holcombe, U.S. Chargé d'affaires had consulted with them requesting them to correspond with Fokien to pass on directions to the local authorities that, as to the hanging out of a sign board, they need not hold fast to the idea that it would not do. " I also will in (mine) turn "direct the Consul presently to look at "the circumstances, and deal with the "case with consideration of these. It "seems as if there were nothing im-"practicable about this see".-

At the time, I sent a dis-

patch

patch to Asieh Taotai to send you the hon. Consul a communication to find as represented, as is on record.

Aside from this, I, President of the Board, have received no information that I ought not to interfere as to what name be chosen for the said building. If one had the chapel built in a place in the U. S., or in China and the ground not under my sei jurisdiction, I, President of the Board should of course not concern myself therewith. Fokien and Chêkiang, now, are both under (my) the President of the Board's, controul. Yenping being within these, not only can I not look on silent at the people's affairs, but even the missionary reaching there is also within my protection; and can one say that I have no right to interfere (concern myself)? If I have no right to interfere, suppose trouble again arises hereafter: can

I

I, President of the Board, set it down as a matter the arrangement of which is not for me?

As to missionaries of the several nationalities having none of them opened or established chapels in Ten-ping, this has been already a long time the case. If really at the time when leasing the building, the missionaries had had it clearly expressed that it was to be a chapel, then the people of course could not make a pretext of the hanging out of a sign-board. But having it clearly expressed that it was to be a book-store, and now wishing to hang out the sign board "Chapel" (Hall for worship), the people on seeing this could not but suspect, be alarmed, and create trouble.

Moreover, in the missionaries passing on of the religion and urging of people to do good, all hangs upon faith being put in

what

what they say. Now the leasing of the building, and the hanging out of a signboard, former and latter, branch off in two directions. For this reason, no faith (is given). With what can one make the people in heart submit and stop the people's mouth?

It is allowed them within the building to worship and repeat (their) litanies. If the people have no sign board to point to, it just gets round the difficulty, with the hope that the people and those of the religion may long and ever dwell together in quietness.

You, the hun bonsul, are already very well acquainted with the aspect of the circumstances. I request that you consider these and take action, according to the words of Mr. Holcombe, Chargé d'Affaires, and give me an early reply for my information, and close the case.

(regarding

(regarding this) as important.

I indite this in reply, and avail myself of the opportunity to greet you with inquiries for your - promotion.

Write a card.

(October 1st, 1882.)

Despatch No. 56.

Enclosure 2.

No. 108/1882.

Mr. Young to Prince Kung.

Peking, November, 17th, 1882.

Your Imperial Highness,

In the matter of assault upon Reverend Mr. Sites at Yenping in December, 1879: I regret to be obliged to appeal again to Your Imperial Highness, as my predecessors have been forced to do so many times, and to beg Your Imperial Highness to seek some way to enforce your own orders in the case, and the terms of settlement long since agreed to between Your Imperial Highness and this Legation.

I

I find by a careful examination of the records that nearly a year ago Mr. Holcombe then Chargé d'Affaires reached with Your Imperial Highness a basis of settlement of this case upon three points, namely - (1)

1. The retraction of the false charge against Mr. Giles.
2. The restoration of the chapel-premises to the missionaries with full liberty to use them as similar premises are used in all parts of China, and
3. The issue of suitable proclamations to prevent a recurrence of such outrages at Yenping. -

The records show that Your Imperial

perial Highness accepted this basis of settlement, and instructed the Provincial Authorities to carry it into effect. I understand that the first of these conditions was complied with. But no suitable proclamations have been issued, and for nearly a year the restoration of the chapel to the missionaries has been delayed by a series of petty objections raised by the Provincial Authorities, the principal among these being the question by what characters the missionaries should designate the chapel.

As long ago as January, 1882. the Legation protested most earnestly to Your Imperial Highness against this trifling with serious

business -

business. And the Foreign Office was informed, at a personal interview, that this Legation would neither recognize nor allow the Consul at Foochow to recognize the right of the local authorities to meddle with such a question as the name by which the Chapel was to be designated, that this concerned the missionaries alone and must be decided by them. The trifling of the local authorities went on however, in spite of the repeated instructions of Your Imperial Highness, and at last, upon the 2nd of August, at a personal interview between the Ministers of the Foreign

Office

Office and Mr. Holcombe, the former agreed to instruct the Treasury to drop the discussion over the title or designation of the building; to inform him explicitly that he had not the right to interfere or dictate on such a point; and to direct him to close the case at once upon the basis of the three points already mentioned. Mr. Holcombe on his part agreed to suggest to the missionaries that, as a mark of conciliation, they should delay for a short time posting any sign on the outside of the building

Mr. Holcombe at once carried out his part of this agreement in good faith. And the subsequent

correspondence

correspondence between Mr. Wingate and the local authorities at Foochow shows clearly that Your Imperial Highness instructed the Viceroy as had been agreed. But the Provincial Authorities have quietly ignored the orders of Your Imperial Highness have continued their quibbling over the designation to be given to the chapel, and, as a consequence not a single step of progress toward a settlement of the case has been made.

It is no part of my duty to comment upon the strange conduct of the Viceroy of Fukien, in deliberately ignoring the explicit instructions of Your Imperial Highness. But I am bound

to say frankly that his treatment of this case of gross outrage upon the manifest rights of our people, has not been such as we had a right to expect from a high officer of China and cannot fail to arouse a feeling of serious dissatisfaction on the part of my Government.

This case originated three years ago. This Legation has written no less than eleven formal despatches to Your Imperial Highness appealing for redress in it. Your Imperial Highness will readily admit that a full measure of patience has been shown by us in consenting quietly to this long and quite unnecessary delay. But the patience of my

Government

Government has its limits, and it has become my duty to inquire from Your Imperial Highness whether you cannot, in some way, cause your repeated instructions to the Fukien Authorities to be obeyed, and this case closed without further delay. I need only add in conclusion that the Consul of the United States at Foochow has been explicitly instructed to decline any further discussion as to the title or name to be given to the building. The responsibility for any further delay in closing this case must rest with the Government of His Imperial Majesty and not with the United States.

Chang Yu

(Signed) John Russell Young.

Ack'd & brought to attention of Congress Jany 9 '83 Crd'n

Copy to Senate Committee on the Judiciary Jany 9 '83 Crd'n

Immigrants

No. 57. Two Enclosures.

Legation of the United States.

Peking, November 20th, 1882.

DEPARTMENT OF STATE JAN 6 1883 RECEIVED

John Russell Young to the Secretary of State.

Subject.

Traffic in opium by American merchants.

Synopsis.

Encloses a correspondence upon this subject. Quotes from the article of the treaty forbidding such traffic and suggests that legislative action is necessary.

No. 57. Two Enclosures.

Legation of the United States.

Peking, November 20th, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

I have the honor to enclose herewith copies of a series of papers which have passed between Mr. Consul Smithers at Chinkiang and the Chinese local authorities in regard to the enforcement of Article II, of the Commercial Treaty of 1880, by which American merchants in China are forbidden to deal in opium. 1/57.

I regard the action of Mr. Smithers

Smithers as prudent and discreet
2/57. and have approved and "
commended it.

In this connection I beg leave to call your attention to the statement contained in Article II. of the above mentioned treaty to the effect that the "
prohibition of traffic in opium "shall be enforced by appropriate "legislation on the part of China "and the United States." So far as I am informed, no "
legislative action of the sort contemplated has been taken by Congress. The Chinese Government has undoubtedly the right to seize and confiscate such opium as is dealt in by

American

American merchants here, but, under the extraterritorial provisions of our treaties, it has no power to touch the offenders themselves. Nor, in the present state of the case, does it appear that the authorities of the United States in China can do more than deal with such offenders as though they were guilty of misdemeanor.

I bespeak for this subject the early attention of the Department.

I have the honor to be,
Sir,
Your obedient servant.
Mortimer Gray.

Enclosures.

Enclosures.

1. Mr. Smithers to Mr. Young
No. 21. November 4th, 1882.
2. Mr. Young to Mr. Smithers.
No. 7. November 14th, 1882.

Despatch No. 57.
Enclosure 1.

No. 21.

Mr. Smithers to Mr. Young.

Tientsin, November, 4th, 1882.

Sir,

In accordance with the request contained in Your Excellency's despatch of the 12th ultimo, number 6. I have the honour to transmit, herewith enclosed - copies of the correspondence between the Taotai and myself, with translations, relative to the provisions of the Treaty, recently ratified by China and the United States, prohibiting the merchants of the two nations from trading in Opium. The Taotai having informed me in his despatch of

October

October 13th; that from information which he had received from the Lekin tax office, - the treaty was being violated by two American merchants at this port, I have delayed forwarding the September correspondence until the present time, in order that the correspondence, relating to this accusation, might reach you at the same moment. As Your Excellency will perceive from the Taotai's despatch of the 26th ultimo, the deputy of the Opium Lekin tax, based the charge against the two merchants entirely upon the fact, that they had opium signs on their hongs; and the Taotai appears to have regarded this as

conclusive

conclusive evidence of their being engaged in the sale of the drug. Both of the gentlemen referred to have assured me that they have had no transactions in Opium, directly or indirectly, since the treaty came into force, and, that they did not remove the signs, was owing to an oversight. I have requested the immediate removal of the signs, and informed them, that if they allowed any of their servants or employees to use their Hong names, in dealing in the article, they would be compromised.

I have &c.

(Signed) E. J. Smithers

Consul.

Enclosures.

Enclosures.

1. Taotai's despatch to Consul. Sep. 8th.
2. Consul's reply. Sep. 12th.
3. Taotai's despatch to Consul. Oct. 13th.
4. Consul's despatch to Taotai Oct. 14th.
5. Do. Do. Oct. 20th.
6. Taotai's reply. Oct. 26th.

Intendant of Circuit to Consul.

A despatch has been received from the Imperial Commissioner and Superintendent of Foreign Trade, &c. — as follows. —

A communication has been received from the Foreign Office stating that on the 6th day 5th moon, 8th year (H. Hsü) = 21st June 1882. A communication was received from H. E. the acting U. S. Minister "Holcombe" as follows — A despatch has been received from the department of State, stating that the Secretary of the Treasury, had directed the attention of Collectors of Customs at the different ports (in U.S.) to the 2nd article of the new

Treaty

Treaty (sic Treaty negotiated year before last) prohibiting Chinese subjects from importing Opium into the U.S. (U.S. Ports) - and enclosing two copies of his instructions (O.g.T) -

One copy for transmission to the Chinese Foreign Office - A copy in English and Chinese was received from the U.S. Minister - The Foreign Office (Ch) replied that they would send similar instructions (i.e. to the Supt's of Customs in regard into Opium clauses of new treaty). - The Customs Taotai's have been instructed (by Com. Iso) to act accordingly. (see Treaty carried out).

The Taotai therefore instructed the Opium Tax Office to find

out

out if there were any American merchants in Chinkiang, dealing in Opium - and report (to Taotai) without delay - When a despatch will be sent to the Consul. -

This Communication is sent for the information of the Consul.

With Compliments. -

Writer - Taotai - Card inclosed. -

Date. 26th day 7th Moon = (8th Sept 1882). -

Consul to Intendant of Circuit.

The Consul has received the honourable Taotai's despatch of the 8th instant, having reference to a communication received from H. E. Tso Tsung Tang, regarding the late treaty which prohibits American merchants from dealing in Opium.

The Consul begs to inform the Taotai he also has received a copy of the treaty from the American Minister at Peking, and that he is not aware of any of the American merchants at Chinkiang being engaged in the Opium trade, but as he is informed some of their compradores may deal in the drug

drug. Hereafter, should they be found using the American Hong names in this respect, they will be handed over to the authorities for punishment.

Usual compliments

Sep. 12th, 1882.

Shen - Intendant of Circuit see re.
to Mr Smithers. -
(part of Viceroy's despatch quoted)

- The Taotai directed the Opium Tax Office to make certain inquiries (Refer to Am. dealing in Opium).

The Taotai has received the Consul's Despatch (in reply) stating that American Merchants were not dealing in Opium (part of Consuls despatch quoted).

The Taotai again directed the Tax Office (Opium) to make inquiries and this Office now reports that: Wadleigh and Emery (Ho Chin and Kai tai Hongs) and A.E. Salter (Teh Shun Hong) exhibit Office boards "Stating" Opium

for

for sale". That Mr. Emery's residence is in the upper portion of the Ho chin Hong building.-

It appears that Mr. Emery is the manager of the Ho chin and Wai tai Hongs - And Mr. Salter of the Teh Shun Hong - And their exhibiting office boards stating "Opium for sale" is not in accordance with the Treaty. (New Treaty inferred) And should not be permitted. And the object of this despatch is to request the Consul to direct (order) these merchants to observe the Treaty and not deal in Opium.

A reply requested

Kuang Hsü - 8th year, 9th moon 2nd day - 13th October, 1882.)

Consul to Intendant of Circuit

I have the honour to acknowledge the receipt of the Taotai's despatch of the 13th instant, stating, that the Lekin Tax Office had reported Mr. Emery under two hong names, and Mr. Salter under one hong name, were engaged in dealing in Opium, and asking me to prohibit them, as they were acting in violation of the treaty. On receipt of the Taotai's despatch of the 8th September, I made enquiries of both the American merchants and they assured me they were not in any way engaged in the Opium trade. I have now to request the Taotai

to

to inform me who appeared at the Lekin tax office for and in the names of the said American Hongs. Should it appear that any of the comprades or employees of the said merchants have been using their hong name I will aid in their arrest and punishment.

Usual compliments.

October, 14th, 1882.

Consul to Intendant of Circuit.

On the 14th instant - I had the honour to address a despatch to the Taotai in reply to his of the 13th inst., relative to the charge that American Merchants were trading in Opium, and to request, that the Taotai would inform me who it was that appeared at the Lekin tax Office and represented American Hongs in Opium transactions - This is a very grave charge being connected with the observance of a treaty and I have again to request a speedy reply.—

Usual compliments.

October 21st

Opium.

Intendant Shun to Mr. Smithers
(reply to despatch of 14th instant.-

The Deputy in charge of the Opium tax office stated in reply to the Taotai's inquiries - that Wadleigh and Emery (Hongs - Ho-chi and Kai tai) and A. E. Sallee (Teh shun) in all three Hongs - American merchants - had office - boards hanging up stating "Opium for Sale". - And at the time the Deputy made this Report the Taotai sent a despatch to the Consul - Asking that they be prohibited from - dealing in Drug (Inferred, that because they had an Opium sign out, that they sold Opium). - The Deputy

in

in charge of Opium tax office now informs me (a personal interview), that the Kai tai Hong have changed their name by removing the words American Merchants - but that the Nochi and Teh shun Hongs still exhibit the sign - American merchants and besides a separate board stating "Opium for sale". - Therefore - the Tao-tai - requests the Consul - in accordance with the treaty to prohibit - them (from hanging up this sign). A reply is requested. In regard to the collection of Revenue at the Opium tax office!!! - The Opium tax is always paid by the Chinese, - Dealer!!! (purchaser) The Consul is again requested not to permit

American

American Merchants to hang up the sign "Opium for Sale".-

(The usual form in closing a despatch in reply).-

A necessary Communication addressed to Consul Smithers.-

Kuang Hsü, 8th year, 9th moon, 15th day - (26th Oct., 1882).-

Despatch No. 57.
Enclosure 2.

No. 7.

Mr. Young to Mr. Smithers.

Peking, November, 14th, 1882.

Sir,

I have had the honour to receive your despatches numbers 20 and 21.

Your action in regard to Treaty provisions which forbid American merchants to traffic in in Opium in China, as recited in your number 21. is approved and commended.

I am &c

(Signed) John Russell Young.

Ack'd not file

No. 58. Three Enclosures.

Legation of the United States.

Peking, November 23rd, 1882.

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Towing barges on the Yangtze.

Synopsis.

At the request of Messrs. Russell & Company have applied to the Inspector General of Chinese Customs to know whether towing barges would be allowed. Correspondence enclosed. Prospects not favorable.

No. 58. Three Enclosures.

Legation of the United States.

Peking, November 23rd, 1882.

Honorable F. T. Frelinghuysen

Secretary of State.

Sir:—

On the 7th of November a letter was received from Messrs. Russell & Company of Shanghai, asking a question as to whether towing barges with cargo would be allowed on the waters of the Yangtze. 1/58.

It was not deemed expedient to submit the question to the Foreign Office, as the disposition of the Chinese Ministers towards any extension

of

of what they might regard as a foreign enterprize is not encouraging. So I wrote to Sir Robert Hart, the Inspector General of the Chinese Customs, and the official most familiar with the subject. The correspondence forms an enclosure to my despatch.

2/58
3/58

It will be seen that, in the opinion of Sir Robert Hart, there is no likelihood at present of the Chinese permitting towing barges with cargo on the Yangtze.

I have the honor to be, Sir, Your obedient servant,

Jno. Russell Young

Enclosures.

Enclosures.

1. Messrs. Russell & Co. to Mr. Young 57/1882. October 31st, 1882
2. Mr. Young to Sir Robert Hart. November 22nd, 1882.
3. Sir Robert Hart in response. November 22nd, 1882.

Despatch No. 58.
Enclosure 1.

54/1882.

Messrs. Russell & Co to Mr Young.

Shanghai, October, 31st, 1882.

Sir,

May we ask you to enquire either officially or privately, as you may deem it advisable from the Tsung li Yamên if Towing Barges, with cargo - on the Yangtze, is or would be allowed.

We are informed that under the present River regulations - which have been the same since the river has been opened to Foreign trade - towing is allowed only under a special permit from one port to another, no commissioner of the

Customs

Customs being able to grant one beyond his own jurisdiction.

The towage system as carried on on some of the large rivers in America and which is no doubt familiar to Your Excellency would be the one which we might find it advisable to establish on the Yangtsze between this and Hankow, but before going any further into the matter, would wish to know if it would be permitted by the Authorities under the present River Regulations and if not if they would be disposed to make new ones so as to allow it.

We have &c &c

(Signed) Russell & Co.—

Despatch No. 58.
Enclosure 2.

Minister Young to Sir Robert Hart.

Peking, November, 22nd, 1882.

My dear Sir Robert Hart,

I enclose you a letter addressed to this Legation by Messrs. Russell & Co., of Shanghai.

It occurred to me that the question here asked might be more readily answered by yourself than by the Yamên. The question is one, also, about which it would not be convenient for us at this time to trouble the Yamên. If you will kindly give me your judgment, I shall value it as a service and a courtesy, and trust you will excuse my trespass

upon

upon your time in doing this.

I am,

dear Sir Robert.

Very faithfully Yours

(Signed) John Russell Young.

Despatch No. 56.
Enclosure 3.

Sir Robert Hart to Minister Young.

Peking, November, 22nd, 1882.

Dear Mr. Young,

"Towing" may refer to three sets of vessels:

(a). Vessels with foreign papers;

(b). Vessels without foreign papers, but owned by foreigners; and

(c). Vessels with Chinese papers.

To the towing of the (a). class, there can be no objection.

To the towing of the (c). class, there are serious objections

As for the (b). class, they are, in Chinese waters, on the same footing as the (c). class.

The objections to towing the

(c).

(C). Class might be got over, but only on such conditions as would make towing impossible: for instance, among the necessary conditions of permitting such craft (Chinese) to be towed would be the following:-

1. Chinese vessels <u>must</u> stop at every customs station or barrier: therefore the steamers towing must also stop there.

2. Once stopped, they cannot again move till cleared (and there is no hurry about that, generally speaking!): therefore the towing steamers must either wait also for the clearance of their clients, or can only tow from barrier to barrier.

3. The towing steamer would be

held

held responsible for all infringements of rules and regulations committed by the Chinese junks towed.

With these three <u>indispensible</u> conditions to start with, no steamer could tow except at a certain loss of capital, and without these conditions to go on, no Chinese Official would venture to give junks the right to be towed — especially on the Yangtsze, for such a right would place them above the laws all non-towed craft must observe.

I should say that there is not the slightest chance of the Yamên consenting to any such

proposal:

proposal: and if forced to consent, could only do so on such conditions, and, on such conditions, steamers could not afford to run.

Russell Bros' letter returned herewith.

Yours very truly,

(Signed) Robert Hart.

Answered Jany 17, 1883. Cir. 16.

W Williams

No. 59. One Enclosure.

Legation of the United States.

Peking, November 23rd, 1882.

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Illegal release of prisoners by Consul Stevens.

Synopsis.

Recites circumstances, encloses correspondence. Has disapproved Mr. Stevens' course as subversive of justice, asks the approval of the Department.

No. 59. One Enclosure.

Legation of the United States.

Peking, November 23rd, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:

I have the honor to enclose copies of correspondence, 1/59.
with enclosures, between the Legation, the Consulate General at Shanghai, and the Consul at Ning Po.

From this correspondence you will see that it was my duty to take certain action upon what appeared to the Legation to be a grave irregularity in the administration of the law under our

our Consular Judicial system.

On the 14th of June, 1882., Mr. Consul Stevens arrested three American citizens at Ningpo, named Alexander Fuller, William Mackenzie, and Thomas Lee, for the commission of an aggravated assault upon a Chinaman, from the effects of which the assailed barely escaped with his life. The prisoners were tried by Mr. Stevens, acting in his Judicial capacity, in manner and form as provided by the laws. On the 2nd of July, after a trial lasting for six days, they were found guilty and sentenced to pay each a fine of one hundred dollars,

and

and be imprisoned for three months in the Consular Jail at Shanghai. They were committed to prison in pursuance of this sentence.

On the 6th of September, when the terms of imprisonment had partially expired, Mr Stevens wrote to Mr. Cheshire, the Vice Consul General, asking for the release of the prisoners. On the 13th of September an order was given by Mr. Stevens directing their discharge, and, in obedience to this order, they were set at liberty.

The circumstances of the release came to my attention by a publication in a Shanghai newspaper

newspaper, no report having been made to the Legation. I asked Mr. Cheshire and Mr. Stevens for an explanation, and the correspondence arising out of this request forms the enclosures to this despatch.

As the subject had been reported at length to the Department, it might seem more becoming to await your judgment before expressing any opinion or taking any action. But as a long time must pass before such a judgment can be known here, I did not feel it my duty to allow what seemed to be a grave irregularity to become a precedent.

The release of the prisoners

prisoners before the expiration of their terms seemed to me, as I point out in my letter to Mr. Stevens, an invasion of the prerogative of pardon which, by the Constitution belongs to the President of the United States. On this point alone I dwelt in my correspondence, and directed the Consul General and all Consular Authorities in Liberia, not to regard the action of Mr. Stevens as a precedent, and not to permit the release of any prisoners, held under due process of law, before the expiration of their terms without the order of the President of the United States, and that this instruction

should

should remain in force until reversed by the Department.

I trust my course will meet with your approval. Mr. Stevens avers that he thought his action was strictly legal, and that he was controlled by what he believed to be the best interests of the Government. I call attention to this statement as an act of justice to him.

The case is important. The assault was an aggravated one, so serious that the Consul, in his opinion, said the "prisoners" had violated a law "which if taken into account "would have involved a long "imprisonment and a heavy fine".

I

I concur in this belief, and think that the sentence was light considering the gravity of the crime. The Tsongli explains his leniency by saying that the Chinaman had invited the attack by committing on the prisoners "a shameless indignity." At the same time the law gave them a remedy against the Chinaman, and his perpetration of an "indignity" was no reason for their commission of a crime. Moreover, as will be seen in despatch number 48. dated Ningpo August 12th, 1882., and addressed to the Honorable Walker Blaine, Third Assistant Secretary of State by Mr. Stevens,

the

the Consul alludes to the fact that the attack upon the Chinaman had so incensed the Chinese community that it was necessary to ask the Taotai to guard the prisoners with Chinese soldiers to prevent summary retaliation and punishment.

For this reason I feared the effect of the premature release of the prisoners upon the minds of the Chinese authorities and people. Our law of exterritoriality is not looked upon with favor in the East. We cannot be too careful in administering it, especially when Chinese are concerned. Any suspicion of partiality towards our own

people

people will throw discredit upon our judicial procedures, and lead to the complaint which, in this case, it would be hard to answer, that we have one law for a Chinaman, and another for an American, and that too before a tribunal where both are supposed to be equal.

It seemed therefore my duty as Minister to take note of this transaction, not alone because it was an invasion of the supreme and solemn prerogative of mercy belonging to the President, but because it was calculated to degrade our methods of justice in the eyes of the people of China.

L

I may add that, upon making inquiry of some of my colleagues as to the laws governing the administration of justice by the Consuls of other Powers, I find that such a thing as a Consul discharging a prisoner before the expiration of his term is unknown, and that the right to do so rests with the heads of their Governments, as I hold that it rests with the head of our Government.

I cannot find upon inquiry at the Consulate General, or upon examination of the records of the Legation, that any precedent exists for the action of Mr. Stevens. An expression

of

of opinion therefore from the Department will have great value as determining the further administration of law in our Consular Courts.

I have the honor to be,

Sir,

Your obedient servant.

Mr. Russell Young

Enclosure.

1. Correspondence relating to the premature release of three prisoners by the Consul at Ningpo.

C

Copy.

Despatch No. 59.
Enclosure.

Mr. Young to Mr. Cheshire.

No. 11. Peking, 24th Sept., 1882.

Sir,

I find the following communication in the Shanghai Courier of Sept. 19th.

The late assault Case at Ningpo.

To the Editor of the "Shanghai Courier"

Dear Sir,

The residents of this place were not a little astonished to see amongst them yesterday a person of some repute, i.e., one of the American trio who were here sentenced to three months in the Shanghai United States Gaol from July 22nd to Oct. 22nd, for the brutal and celebrated assault on Captain Chang (Cantonese). On Enquiry I learn

that-

that the three men are again at large, having received benign consideration from their guardian, on account, it is to be supposed, of their exemplary conduct on a bread and water (or something near to it) sort of régime. Truly the American Constitution is "a queer 'un". In the little fiasco which we had here recently (referred to in your columns) with the trio above-referred to, and the reversal of the American Minister's orders by Mr. Consul-General Denny in the more recent Crossett case at Shanghai, we have a couple of rather apt Examples.

It

It is rumoured that our present Angell's visit is one of pure love, and that he intends to allay all ruffled Canonese feelings. At all events the U. S. Consulate won't stand much in his way, as the Consul is away at Shanghai (I regret to learn very much indisposed), and the care of his nationals reposes in the hands of one of America's friends - a Chinaman. But this won't matter much, though; I guess that he, at all events, will maintain the dignity of the flag which so proudly floats above the mansion on the Bund here until such time as U.S. Consul Stevens is well enough to return.

(Signed) Yours truly, "Ring".

Ningpo, 18th. September, 1882.

St.

It is not without reluctance that I take notice of a printed anonymous communication, one also, that on its face is inspired by malice.

The statement, however, that criminals committed to prison and in your custody for aggravated assault, under circumstances tending to affect the peace between Americans and Chinese, should be at liberty before the expiration of their term of sentence, is too grave to be overlooked.

For this reason I bring the matter to your attention, and am,

Very truly,

(Signed) John Russell Young.

No. 109.

Mr. Cheshire to Mr. Young.

Shai, October, 3rd, 1882.

Sir,

I have had the honour to receive your despatch No. 11. of date 27th Sept., calling my attention to an anonymous notice which appeared in the Shanghai Courier of September, 19th, in regard to the release of three prisoners convicted for assault at Ningpo, from the American prison at this port.-

In reply, I beg to inform you that the prisoners referred to, were committed by an order from Mr. Consul Stevens and released by his order, I held at the time that

Mr.

Mr. Stevens was alone responsible for his judicial acts, and no responsibility could be attached to me, as the prisoners were tried in the Consular Court at Ningpo and sentenced by Mr. Stevens to serve a term of imprisonment in the American prison for convicts in China, at this port, which is available to all our Consular Courts in this Country;- That if Mr. Stevens chose to assume a right which is vested only in the President of the United States, namely, that of pardoning convicts before the expiration of their sentence, he must bear the responsibility, as I knew of no law

or

or regulation vesting the U. S. Consul General or the Vice Consul General in charge, with judicial supervision over acts of our Consuls in China.

Had the prisoners been tried and sentenced by me, acting judicially they would not have been released until the expiration of their sentence.

I may mention, that Mr Stevens visited this port about the 21st or 22nd of August last, to see Mr Denny before his departure for the United States. During his stay here he visited the prisoners in the jail, and informed them that he had decided to release them. The first intimation I had of his

action

action in this respect was on the 24th of August, when Mr. Stevens called at this office and informed me, I told him that whatever action he decided to take, should be done officially. After his return to Ningpo he sent me an order for their release, which was acted upon.

Mr. Stevens has informed the Department of State of his action in the premises.

I should have been very sorry to have committed so grave and unlawful an act, as the one complained of in your despatch.

I am &c

(Signed) F. D. Cheshire.

No. 13.

Mr. Young to Mr. Cushing.

Peking October, 10th, 1882.

Sir,

I am in receipt of your despatch in reference to the release of the three prisoners from the Consular jail before the expiration of their terms of sentence.

I have written to Mr. Stevens for explanations, and when his reply has been considered, I may write you further on the subject.

In the meantime I would be obliged if you sent me any record from the archives of your office showing a precedent for the release of

prisoners

prisoners sentenced for crime or misdemeanour, before the expiration of their term.

I did not and do not intend anything I have written on this subject to be construed into a censure of you. I am only anxious to know the exact facts and how far the laws governing the administration of justice in our Coroner Courts have been observed.

I am &c

(Signed) John Russell Young.

No. 6.

Mr. Young to Mr. Stevens.

Peking October, 10th, 1882.

Sir,

The Vice Consul General at Shai in response to an Enquiry from this Legation reports that three prisoners, tried by you in your judicial capacity, found guilty of a misdemeanour, and sentenced to a term of imprisonment in the Consular jail at Shai were released before the end of their term. He further reports that this release was in obedience to an order from you.

Will you please send the Legation a transcript of the proceedings attend-

ant

ant upon the trial of these prisoners, as well as a copy of your judgment and sentence and of the order discharging them from prison.

I should also like to have, if convenient, a statement of the reasons which governed your action in granting this order.

I am &c

(Signed) John Russell Young.

No. 15.

Mr. Stevens to Mr. Young.

Mazapa, Oct. 18th, 1882.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 6. of Oct. 10th asking for an explanation why I released three American citizens, that were tried and convicted for a misdemeanor in this Consular Court, before the term for which they were imprisoned, had expired.

I presume that in your request to send you a full statement of this case, you do not desire me to forward you all the copy of the evidence taken during the trial, which

covers

covers more than 200 pages. The contradictions and the unsavory testimony is not pleasent reading. I therefore forward to you a copy of my report to Washington, together with all the inclosures. I also forward to you copies of dispatches written to and received from the Acting Consul General at Shanghai, also a copy of a private letter received from Mr. F. D. Cheshire - Vice Consul General in charge relative to the release of the prisoners named, also a copy of the order of discharge of two prisoners Alex. Fuller, and Thos. Lee, also a copy of a statement I made to the Government at Washington telling them what I had done and giving my

reasons

reasons for the same. I will also state that in two private interviews with O. N. Denny, Esq. U. S. Consul General at Shanghai previous to his departure to America, in regard to the action I have since taken. He most heartily approved of it. I do not deem it necessary for me to recapitulate the motives that governed my action. I regarded them at the time, as perfectly legal, and for the best interests of the Government that I have the honour to represent.

Should my action meet with your disapproval, or if you should not deem it in accord with justice and the best interest of all concerned, I should be glad to have you so inform me.

I

I was in hopes that this whole matter had been settled. It has been an ugly thing from beginning to end. Having to deal with men without principal or honour on both sides.

Hoping that what I send will be sufficient for Your Honour to judge whether I have acted judicially or not

I am &c

(Signed) Edwin Stevens

H. S. Consul.

No. 68.

Mr. Stevens to Mr. Cheshire. –

U. S. Consulate, Ningpo Sep. 6th 1882.

Sir,

On the 14th June last three American citizens Capt. of Am. Dorchas while in this port committed a violent assault upon a Chinaman by the name of Chang Cha Dee and it was found necessary to delay the hearing of their trial for about a month, during which time they were in prison at this port. Their trial, conviction and sentence is a matter of record in your office. I deemed it my duty to impose upon the three men Alex. Fuller – Wm. McKenzie and Thos. Lee a sentence of three months imprisonment and also a fine of $100. – each, they have now been

in

in jail since the 11th of June. And in the Consular Jail at Shanghai since the 23rd of July and I now deem it my duty in fact of their having quietly submitted to their imprisonment and knowing that the said injured Chinaman Chang Cha Dee has fully recovered from his injuries and 2nd that it is quite an important matter to have if possible the said fine of $100.- imposed upon each of the said prisoners collected and returned to the Govt. in part payment of the expenses they have imposed. To ask you as Acting Consul Gen. to at once release them from their confinement or imprisonment, providing the said Alex. Fuller Wm. McKenzie and Thos. Lee will obligate themselves to pay to this Consulate in monthly instalment $20.- per month, until

the

the said fine of $100.- against the said prisoners is liquidated. And further that their said pledge must be endorsed by whomsoever they are employed, ordering the shroffs of whatever Lorchas they may find the Employment on, shall pay the said amount into the Consulate. This they have agreed with me to do, in a personal interview, I had with them on Aug.st, 24th as they all have good prospects of obtaining immediate employment. I regard it as best for the interest of our Gov.t that they should be allowed this privilege of cancelling the fine imposed and at the same time save the Gov.t the additional expense of their imprisonment in the Jail at Shanghai. If this request will meet with your approval. I trust

you

you will communicate to them what I have said and instruct your Marshal to this Effect."

I am &c)

(Signed) Edwin Stevens

A. S. Fensul.

No. 150.

Mr Cheshire to Mr Stevens.

Shanghai, Sept. 7th, 1882.

Sir,

I have the honour to acknowledge the receipt of your despatch #68. - wherein you request me to release Alex. Fuller, Wm McKenzie and Thos. Lee, who are imprisoned in the U. S. jail at this Port, for assault, by your order. I beg to inform you that I shall be glad to carry out your wishes in the matter in so far as the release of the prisoners is concerned, but I cannot undertake to see that they carry out your instructions in regard to having the pledge or bond, which you demand from them, endorsed

by

by their future Employees.

I may state that these men may not be able to obtain Employment at once, in which case they might leave China, or at least, this port of China; then again it would be impossible to know whether their future Employees would be willing to endorse a bond such as you apparently require. In order to facilitate matters I beg that you will send me three forms of the pledge or bond, such as you require the prisoners to sign and after they have Executed them, I will then order their release and transmit the docs to you. —

I am &c

(Signed) F. D. Cheshire

Vice Consul General in Charge.

Copy of Private letter. –

Shai. Sept. 9th, 1882.

Dear Mr. Stevens,

The Capt. of the Alex. McNeil has signified his willingness to employ McKenzie, one of the men imprisoned in the U.S. Jail here on his vessel. The ship will sail on Tuesday next for New York, and in order to get rid of the man, who has certainly not acted as a peaceful Citizen should act. I would suggest your remitting the fine of $100. – and then allow him an opportunity to return to America. I make this suggestion for the reason that it is impossible to say whether he (MacKenzie) will be able to get employment after his

release

release, in which case, he having no friends will very likely be thrown on this Consulate as a destitute seaman and he will have to be provided for at Expense of Government. There is no telling whether in the event of his obtaining Employment, he will pay the fine, & in view of the circumstances I think it would be well to let him take Employment on the Alen McNeil –

Please answer by return & oblige.

Yours truly,

(Signed) F. D. Cheshire.

No. 72.

Mr. Stevens to Mr. Cheshire.

Kanjiro, Sept. 13th, 1882.

Sir,

In reply to your despatch No. 150 dated Sept. 7th, 1882. I have the honour to request that you will release Alex. Fuller and Thos. Lee; and I will request the prisoners personally to sign a bond, which I have drawn up.

I am &c

(Signed) Edwin Stevens.

H. S. Consul.

Copy of Bond signed by Thos. Lee and Alexander Fuller. (Separately.)

Ningpo, 13th Sept. 1882.

I Thomas Lee promise to pay to the Govt. of the U.S. through Edwin Stevens - U.S. Consul at Ningpo the sum of Seventy dollars per month, until such fine as was imposed upon me in the trial at Ningpo for an assault upon a Chinaman by the name of Chang Chin Dee - said fine amounting to one hundred dollars ($100) is fully paid. And I also agree and authorize Edwin Stevens the U.S. Consul at Ningpo to procure from my Employer or Employees whoever he or they may be and

order

order upon his or their Shroff or Compradore for the said amount of $20.- per month till the said fine of one hundred Dollars is fully paid.

(Signed) T. A. Lee

&

(") Alexander Fuller.

No. 54.

Mr. Stevens to Hon. Alvey A. Adee.

Ningpo, Sept. 30th, 1882.

Sir,

I have the honour to inform you in relation to the three Am. Citizens viz: - Alex. Fuller - Wm. McKenzie, and Thos. Lee, that I had occasion to prosecute for an assault upon a China man on the 13th June, last, and were tried, convicted and sentenced by myself and associate Dr. Edward C. Lord on July 22d to an imprisonment in the jail at Shai for three months with a fine of $100 each; that I have issued an order for their release. Wm. McKenzie being an Am. Citizen and Seaman, and without any means to support himself

self, would no doubt, if he has been retained in the Jail for the three months, come upon the Consulate for support. Mr F. D. Cheshire, Vice Consul Gen. in charge kindly notified me on Sept 9th that there was an opportunity of shipping him on the Allen McNeil for York. New, and advised me that it would be the best thing to do, and thus get rid of a man who in all probability, if kept here, prove only an Expense. I went to Shanghai and made a request for his release, and he was shipped on the 13th of Septr. I agreed to release him provided the Capt. of the Allen McNeil would pay me the fine. This he would not do. The most he would

advance

advance was $25 - I had to accept this or nothing. I consequently had him shipped and took the $25. which you will find credited to my a/c. - As regards the other two men - Fuller and Lee. - I concluded to release them providing they would give me a written guarantee, that they would pay me $20. per month until their fine of $100. - was paid as soon as they obtained Employment. Enclosed please find a copy of the form, they signed separately. They had been in jail at this Port and in Shai three months & as they were a daily expense to the Govt. and the Chinaman whom they had assaulted, had fully recovered. I regarded this course the best one to pursue, and in time I trust that the Govt.

will

will receive their fine of $200. I desire to know, if this action meets with the approval of the Dept.

I am &c

(Signed) Edwin Stevens

U.S. Consul.

No. 22.

Mr. Young to Mr. Cheshire.

Peking, November 17th, 1882.

Sir,

As a further answer to your despatch No. 112, I have the honour to enclose you a despatch I have addressed to Mr. Stevens our Consul at Ningpo.

You will see from this that after due consideration of the circumstances attending the release of the prisoners Mackenzie, Fuller and Lee, from your custody before the expiration of their terms of imprisonment, for a crime of which they had been found guilty under due process

of

of law, the Legation is compelled to disapprove of the act. It was the exercise of the prerogative of pardon, a prerogative which the constitution devolves upon the President alone.

Hereafter and until the pleasure of the Department is known, you will not release any prisoner in your custody, until the expiration of the legal time of sentence without the order of the President.

Please transmit a copy of this despatch, and also a copy of the despatch to Mr. Stevens to all Consuls within your jurisdiction, and ask these officials to make

them

them a part of the archives of their consulates, and to observe this regulation until the further order of the department.

I am, &c

(Signed) John Russell Young.

No. 10.

Mr. Young to Mr. Stevens.-

Peking, 14th Nov., 1882.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 15. dated Oct. 18th, in answer to my despatch No. 16, dated October, 10th.

In this you give in answer to the inquiries of the Legation a narrative of the proceedings attendant upon the trial of three American citizens before your Consular Court, their conviction of the crime of aggravated assault upon a Chinese subject and their sentence to a term of imprisonment

prisonment. You also give a copy of your order to the Marshal of the Consular Jail at Shanghai, directing the release of these prisoners before the expiration of their terms.

As the whole subject has been referred to the department it might be convenient to await the judgment of the Secretary of State before calling attention to what appears to the Legation to the use by the Consul of a power which belongs exclusively to the President — namely the power of pardon. I regard the discharge of the prisoners in this instance as the exercise of such power. While awaiting the judgment of

the

the department, however, it is my duty to say, that the Legation cannot permit your action to become a precident. I shall ask our Consular Officers not to so regard it - but to adhere to the law as the Legation understands it, until there is a higher interpretation from Washington.

The law governing the administration of justice under our Consular system in China is clear. Offences of which Consular Courts have cognizance are offences against the United States. The Constitution, Article 2, Section 2, Clause 1, says that "the President" shall have power to grant reprieves or pardons

for

for offences against the United States except in cases of impeachment."

This supreme prerogative remains with the President, and there is no law delagating it to another. This is evident from the Statute making it the duty of the minister in any capital case to issue "his warrant for the execution of the convict appointing the time, place or manner." The minister should it not be detrimental to the interests of justice, may postpone the execution but only until he can "submit the case to the President for pardon."

In giving this power to the minister the Statute expressly recognizes the Presidents prerogative

of

grace must come from him and from him alone.

I note your declaration that your action was inspired by what you felt to be the best interests of the government. Awaiting the decision of the government I have directed the Consul-General at Shanghai to release no prisoners committed to his jail under due process of law, before the expiration of their terms without the order of the President. I have further requested him to convey this instruction to all Consular courts within his jurisdiction, the same to remain in force, until reversed by the department.

I am &c &c

(Signed) John Russell Young.

Adopt the conclusions reached by Mr Young. appears to be just and practical. Jany 17, 1883 [illegible] Writer

W. R. Williams

No. 60. Three Enclosures.

Legation of the United States.

Peking, November 24th, 1882.

DEPARTMENT OF STATE JAN 15 1883 RECEIVED

John Russell Young to the Secretary of State.

Subject.

Missionary troubles at Chinanfu

Synopsis

Refers to previous correspondence and encloses two letters from Mr. Murray and copy of Mr. Young's response. Case not yet settled.

No. 60. Three Enclosures.

Legation of the United States.

Peking, November 24th, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:—

Referring to Mr. Holcombe's despatches numbers 126. and 136, in the missionary difficulty at Chinanfu, and to Department instruction number 2. in which I am directed to "carefully watch "this case, and take any further "steps in the line of Mr. Holcombe's "action which I may deem "necessary", I have now the honor to enclose copies of two further letters which have been received 1/60 2/60

received from Rev. John Murray. These will sufficiently explain the present status of the case.

It appears that the local authorities have offered other premises to the missionaries. These however are not on the street on which the Foreign Office promised Mr. Holcombe the new premises should be secured, and they are, pecuniarily, unequal in value to those which have been wrested from our people. Under these circumstances Mr. Murray appeals to me for advice.

A copy of my response
3/60 is enclosed. In it I leave it to the discretion and judgment of the missionaries interested, whether

they

they shall accept the offered premises or insist on the literal fulfilment of the promise of the Foreign Office to Mr. Holcombe. And I point out that, in case premises are proposed which are satisfactory in other respects but unequal in money value to those to be surrendered, the missionaries have a plain right to pecuniary compensation for this difference.

I have the honor to be,

Sir,

Your obedient servant.

Mo Russell Young.

Enclosures.

Enclosures.

1. Mr. Murray to Mr. Holcombe.
35/1882. July 22nd 1882.
2. Mr. Murray to Mr. Young.
59/1882. November 6th 1882.
3. Mr. Young in response.
40/1882. November 18th 1882.

Despatch No. 60.
Enclosure 1.

Mr. Murray to Mr. Holcombe.

35/1882.

Tsinanfu, Shantung.

July. 22nd, 1882.

My dear Sir,

I arrived here on the 15th inst. and the same day (1st of 6th moon) the letter you gave me was copied in due form and sent to the Taotai. On the 11th day I was requested to meet - On the 6th to receive information.

At the Taotai's Yamen there were present, besides himself - the Fuh and Hien Kwans, and the expectant Chi-ching - who was appointed on the case some six months ago.

As

As soon as the conversation turned upon business it was quite evident 1st that they promise to exchange property, which is one step in advance of all previous consultations.

2d that this will not be done till after the great Examination i.e after the 10th of 9th moon.

3rd that the property will be on some other than the West Great Street, if possible.—

I took no special note of these points at the first - but after they had spoken for some little time I drew them all out clearly one by one by direct questions - and I wrote on paper at

the

the time the substance of what was said. They had at least one man writing all the time, but did not seem remarkably well pleased that I should take a note now and then. It was well that I did, for a little afterwards, when I referred to the "early day" "tsao jih wan kuh" of the letter, it was positively denied that anything had been said about after the examination in the 8th moon, and that I had misunderstood him (chi ch'ing). My easy and simple reply was, I have it here twice in writing as it was spoken at the time. It was not denied after that - but they said before or after and did not hold

out

out even a hope that it would be before the 8th moon.

Said they had no instructions that the case should be settled "early" (Tsao). Said they could not get a place in a day - which I said was perhaps true, but there was a great difference between a "day" and after the 8th moon.

Tsot'ai said something about finding a good place on some of the streets and alleys &c &c -

I asked if there were no instructions from Peking about the locality or name of the street. They said none at all. After a little asked - Did not the instructions speak of the West great Street? -

This

This they denied. I then said that you had informed me that the Tsung li Yamên had promised you that they would instruct the Governor of Shantung to close the case at an early day by giving a suitable property in the West Great Street and that the two places referred to in the previous consultations as well as other points of difference were not to be re-discussed.

The latter point was admitted by them – The other two were denied. Said they knew nothing about such instructions. And asked twice who told you, referring to what person – I suppose it was Prince Kung, but I did not tell them so.

I

I said "I did not ask" - "I do not know". Here the Fuh Kwan ordered the writer to note my words.

The conference did not last very long, about 45 minutes including the preliminaries - I asked them before leaving if they had any thing more to say - that as they had no house or proposition to offer at that time it was unnecessary to delay any longer, that I came from Peking on purpose that the case might be brought to speedy conclusion, that I was willing to wait if anything definite was offered - otherwise, I would not remain long.

On leaving the last words from

the

the "Tao Tai "Ting sin" Ting sin."
I understood what that meant, but
said nothing - In the Evening,
I sent Tao Tai a letter, received
answer and wrote another letter
the next day. I enclose Exact
copies of each. I have had no
word since, that can be consider-
ed official, but had two calls from
the middle man "Yiao" - who says he
will be put in confinement if the
case is not settled, and discussed
the former old points - pressing
them upon me - he could do it -
while the officials could not - He
was sent by the officials to try
me. He began about the pur-
chase of a place that would not

do

do at all and one we ought not to accept even if it would do. I said it is of no use to talk about it, if the officials mean to do business let them say and act so and I am here, if need be, for all summer. otherwise, I will be away at an early day.

With the above information, especially that about the time, so positively stated, do you wonder if I say, I expect to leave early next week, unless in the meantime something more definite is said.

It will be no use to wait for an answer from you, 20 days from this, and the coming examination will be fully absorbing the public mind.

I

I am assured that this case will not be properly handled till after the Great Examination. It could be done very soon but the Governor and his reputation is in the way, nothing must be allowed to interfere with his present glory. I am sorry I have had this extra trip (1500 li) but feel that I have done my duty. After all that you have done for us. I felt that it was but right that I should meet the officials once more and see what they had to say or offer.

The city and country is quiet — There is no bad talk on the street (i.e. in regard to the house). Several informed me that it is generally understood.

understood that the officials will exchange property for us, but that it will not be till after the "Ta k'ao."

I may add that the officials laid great stress upon the fact that you had yielded the old place and that when we build the houses must be so and so, I replied to the first that you yielded that point because the Tsungli yamên had made you the very satisfactory promise (referred to above), as for the other - we had said from the first that we would follow native plans see in the exterior of all our buildings. I did not say so, but I could not help wondering how they could reconcile these restrictions upon us.

When

When our neighbours in the same city have a foreign like Cathedral and are now putting the roof on a large stone building considerably higher than the other houses and even higher than the city wall, so I am informed - Well may one ask and ask again "What is feng shui"?

In conclusion let me thank you for all you have done so far. You have done all you could. The case has certainly advanced one good step when the officials have promised to get a place, and I believe the case will eventually be peacefully settled.

Yours with respect

(Signed) John Murray.

P.S.

P.S. I have not yet heard of the arrival of our Minister Honourable J. Russell Young. Have had no "Coast mail" for some time.

(Sig.d) J. M.

Despatch No. 60.
Enclosure 2.

Mr. Murray to Mr. Young.

59/1882.

Tsinanfu - Shantung.

November, 6th, 1882.

Dear Sir,

Concerning the unfinished - business in regard to Mission Property in this City. I have to report the following. -

On the 3rd inst. I was informed by the Tao Tai that a house had been secured for us and he asked me to see it, and hoped that at an early day we would deliver up the Deeds of the property we had, when the Deeds of the new property would be given us and peace and harmony would be - restored. To this I replied "All very good -

good - where is the house? - and was informed - On the main Street - in front of the Fuh Yamên, South side of the Street. -

He said it was a good house and they (three other persons were present) had spent all their hearts in getting it for us and would I name a day when I would see it.

I did not say I would or would not see it, but implying the latter, I said according to instructions I had from Peking last July 1st. I was expecting to hear of a place on the West main Street."

Mr. Holcombe then Chargé d'affaires told me the result of the last correspondence and conference with the Tsung li Yamên

Yamin, and what they had promised him.

Now in regard to the house. Dr. Hunter is absent, but I know his opinion - for we heard the place would be offered long before we saw the officials. -

It is not a suitable exchange as regards value, position, or for our work.

The value of property in the East part of the city is very much cheaper than in the West part - so has the place offered is much smaller. So I am informed by outside parties. I have not been in the place, but I can see the ends of two of the buildings and they appear quite inferior compared with those we give up. The front of the house is good, the inside has been lately repaired see. - The back rooms are inferior.

Dr

In regard to position as relating to our work. It is quite near (though not on the same street) to the place called "Ching Chow Kung so" refused by us one year ago last July and again last April by U.S. Consul Mr. Tuck. The place is far removed from our centre of work and though it is on the main Street, fully two thirds of the travel has left the Street before reaching that point. In our first conference with the officials here and in our letters to the Legation we asked for a position on main Street west of the Governor's Yamen - fully half an English mile. - One can not always get what is asked for, but we were led to hope for such a position

ition after Mr Holcombe's Conference with Tsungli Yamen last June.

We are fully aware of the difficulty in regard to our right to property in the interior - but that right has already been conceded to others and now virtually to us. - We prefer to be in the West End rather than the East, but if it is impossible we must consider some other plan.

Since the U. S. Consul Mr Luck was here, we consider the matter a question between the two Governments. I have made this report and await further advice and information.

I am &c

(Signed) John Murray.

P.S.

P.S. I am expecting to be in Tung-Chow-fu 24-6-Inst. at meeting of Presbytery - if mail can be forwarded there with despatch it might be to the advantage of the mission - Otherwise please send mail to me care of Revd. N.D. Porter M.D. Lang Kia - via Tientsin

(Sd) J.M.

Copy.

Dispatch No. 60.
Enclosure 3.

No. 110/1882.

Mr. Young to Mr. Murray.

Peking, November, 18th, 1882.

Sir,

I have had the honour to receive your letter of the 6th instant in reference to the exchange of property owned by the mission of which you are a member in Chinanfu.

While you are quite right in regarding the matter at issue as one between the two Governments, and while this Legation is anxious to secure and protect your rights by every means in its power, it is also true that, as we have no

official

official representative in your-
city, I must depend largely upon
the discretion and good-judgment
of yourself and your associates
in the disposition of the case.

You are quite correct in your
inference that it was plainly un-
derstood between Mr. Holcombe and
the Foreign Office last June that
you were to be given a place on
the West Main Street. It must,
however, be left largely to you
to decide whether on the whole
it is better to insist upon that
location, or to accept another
which may seem to be reasona-
bly satisfactory. In the event of
your deciding to accept another

place

place, if, either because of a difference in the size and quality of the premises, or of their being situated in a locality where property is less valuable, the premises accepted are worth less pecuniarily than those held by you in the first instance, you have a plain right which should be insisted upon, for a money compensation for such difference in value.

By way of further advice in the business I beg to refer you to Mr. Holcombe's despatch to you, number 9/1882, of March 9th. You should see to it that proper official deeds to the new property, accepted by you, be in your possession,

possession, before you hand over the deeds of the property which was originally purchased.

Please keep me promptly informed as to the progress of your negotiations.

Trusting that this business may soon be brought to a satisfactory termination

I am, Yours

(Signed) John Russell Young.

Books to be by
+ to
Mr. Scanlan

No. 61.

W Williams

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

Legation of the United States,
Peking, November 25th, 1882.

John Russell Young to
the Secretary of State.

Subject.

Customs quarterly returns.

Synopsis.

Forwards, under separate cover, three copies, No. IV. July — September, 1882.

No. 61.

Legation of the United States.

Peking, November 25th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

I have the honor to forward herewith, under separate cover, three copies of "Customs Gazette, "No. LV. July—September, 1882," as published by the Chinese Maritime Customs.

I have the honor to be,
Sir,
Your obedient servant.

Jno. Russell Young

Mr. Williams

Rec'd Affairs January 18 83 Orig

No. 62. Five Enclosures.

Legation of the United States.

Peking, November 27th, 1882.

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

John Russell Young to the Secretary of State.

Subject.

"Ward" and "Kerjeor" claims.

Synopsis.

Encloses further correspondence with Foreign Office. Have consented, for reasons given, and under certain reservations, to their reference to Li Hung Chang at Tientsin for adjustment. Will send Mr. Holcombe to Tientsin to discuss them with Li. Asks approval of this course.

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No. 62. Five Enclosures.

Legation of the United States.

Peking, November 27th, 1882.

Honorable F. T. Frelinghuysen,

Secretary of State.

Sir:—

In my despatch number 20, dated September 27th, 1882, I had the honor to inform the Department of the steps taken by the Legation to carry out the instructions contained in your despatch number 15. dated June 30th, in reference to what are known as the "Ward" and "Keojeo" claims, now for many years outstanding between the United States and the Chinese Government.

Government.

In this despatch I forwarded a minute by Mr. Holcombe replying to a memorandum which had been submitted to the Department by the Chinese Minister in Washington. also a despatch from the Legation to Prince Kung, in which, in obedience to your orders, I called the attention of His Imperial Highness to the fact that these claims had been considered by the Government and their validity accepted, and that it was my duty to ask that our demand should receive immediate and favorable attention. I expressed to the

Department

Department the fear that the experience of my predecessors did not justify me in hoping that the Chinese Authorities would be in "a haste to do "what they had avoided doing "for so many years". The Chinese Government, I believed, having no fear that the United States would resort to force or reprisals, would allow the claims to drift along, never going "beyond the interchange "of earnest despatches once or "twice a years."

I have now the honor to forward copies of further correspondence on the subject.

On the 17th of October, Prince

Kung

Kung, in response to my despatch,
1/62. alluded to my expression of the
gratification it would afford
me at the outset of my term of
service as Minister to have these
and all outstanding questions
between China and the United
States considered and determined.
The Prince assured the Legation
that the Imperial Cabinet desired
"earnestly to discuss all international
"questions in a spirit of the
"sincerest friendship in order
"to strengthen the good relations
"between the two Governments."
H. I. H. thereupon renewed the
objections to the claims which
had heretofore been presented
by the Cabinet and repeated the
contention

contention of his Government that the claims were not valid.

The history of the long and minute discussion and correspondence to which the Prince alluded is now a part of the Government archives, is familiar to the Department, and portions of it have been published at the request of Congress. In my answer, in a despatch dated October 29th, which is one of the enclosures, 2/62.
I informed H.I.H. that the claims had been exhaustively discussed by my predecessors, and "their conclusions repeatedly "and emphatically approved by "the Government." I hinted at

the

the principle of arbitration as a means for the settlement of differences between friendly nations which had been found advantageous in the interests of peace and justice. I recalled the Convention between the United States and Great Britain which resulted in the payment of disputed claims, and that, while neither the Government nor the people were satisfied with the award, the money was paid at once. Other illustrations of the advantages of arbitration were brought to the attention of the Prince in the hope that he would probably see his way

to

to accept this method as a possible method of determining the whole question, and removing a cause of embarrassment from our diplomatic intercourse with China.

While reciprocating the friendly desire of the Prince to arrange questions between the two Governments, I argued that the best way would be a compliance with the demand of our Government, the negotiations having reached the stage where there was no impropriety in my giving an earnest expression to this belief. I added, in conclusion, that in

reiterating

repeating this demand, I was inspired by a feeling of sincere friendship for China, and therefore, if H. I. H. could advance to the Legation any new reason, or show any new fact in evidence, justifying us in revising our judgment as to the validity of the claims, the Legation would do so gladly, as it would be a pleasure in one way to withdraw from a prolonged discussion about a mere sum of money, a discussion that could not appear otherwise than trivial in the presence of the larger questions that should engage the attention of great Powers anxious to strengthen and solidify their

friendly

friendly relations. At the same time I pointed out to the Cabinet that, unless some new reason were presented or some new fact developed, the position of our Government was unassailable, our demand could not be evaded or overlooked, and only harm could come from delay.

My purpose in presenting the alternative proposition, expressing our willingness to consider new evidence, might at first appear as a surrender of our case. My purpose, however, was to lead the Cabinet into a position from which there could be no retreat except a final settlement. The history of these claims is a

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X
X

history

Dont

history of evasion, tergiversation and delay. All the subtile resources of Oriental diplomacy have been exhausted to avoid the answer to our just demands. My fear was that a new cause of postponement would be found, a fear that still remains. It ~~therefore~~ seemed best frankly to say to the Cabinet, that, firstly, we had considered all objections and disposed of them and would waste no more time on that branch of our case. Secondly, we were ready and willing to withdraw the claims, if reasons could be assigned for so doing, reasons the validity of which my Government would

judge

judge. And, finally, if such reasons were valid, it would be a pleasure, rather than otherwise, for one as Minister to withdraw from the whole business.

My despatch was written on the 29th of October. On the 31st, I visited the Foreign Office, having asked a conference with the Ministers in order to enforce in personal conversation the arguments presented in our despatches. There ensued a long and interesting discussion in which the points laid down in the despatches were repeated with the earnest assurance that, the Government having waited

for

for twenty years for an act of simple justice from China, could not but look upon further delay as unworthy of enlightened statesmen charged with the destinies of an Empire. While the question itself was apparently too trivial to be a cause of irritation, yet the principle of right involved we were bound to recognize and protect. Anxious however to broaden the case so as to show our sincere desire for an amicable understanding, and admit some plausible and honorable means by which the Chinese could reach a settlement, I ventured to suggest three propositions. The first was

that

that the money should be paid. The second was, an arbitration by some foreign Government. The third was, a reference to Li Hung chang with instructions to settle and determine the case.

In doing this it may appear that I was using a large discretion and, perhaps, departing from the tenor of the instructions of your predecessor, Mr. Blaine, to this Legation. The instructions of Mr. Blaine form the ground work of our present position in the "Kroyer Claim". In your despatch number 15., dated June 30th, I am instructed to have recourse to these instructions, as well as to the

numerous

"numerous despatches" to the Department" which are of record in the archives of the Legation." In the same despatch, however, I am practically instructed to reopen the case, so far as to consider the points presented to the Department in the memorandum from the Chinese Minister accompanying your despatch number 15., and use my judgment in presenting the case to the Yamen. The instructions of Mr. Blaine, to which I now make special reference, are contained in despatch number 101, dated June 8th, 1881, addressed to Mr. Angell. In this Mr. Blaine presents

the

presents the claim of Mr. Hill as follows:—

"Charter of vessel, 14 months
"@ 3,000 taels Taels 42,000
"Indemnity for loss, " 12,000
"Add interest at 10% on
"taels 54,000 from August
"1st, 1863, date of destruction
"of vessel, to date of payment."

Mr. Blaine further repeated "the often expressed hope "and desire" of the Government that the claims should "receive "early and just attention," and added that Mr. Angell should regard his despatch "as the "final instruction of the "Department."

In presenting, therefore, the

the three propositions to the Ministers, I felt that I was not only using a wise discretion, but, considering the tortuous nature of Chinese diplomacy and especially the embarrassments attending the Cabinet in settling any important and intricate case, that I was leading the way to a result that would bring the whole business to an honorable termination.

Prince Kung and the Ministers of the Yamen made their reply with unusual promptitude in a despatch, dated November 17th/4, which forms an enclosure. 3/62.

In this reply the Ministers consider my three propositions,

and

and assent to a reference of the whole business to Li Hung Chang, the Grand Secretary of State. The reasons for this reference commend themselves to the best judgment of the Legation. At the time of the use of Mr. Hill's vessel by the Chinese, Li Hung Chang was General in command of their army, and intimately acquainted with all the circumstances. His present exalted rank as Grand Secretary of State, and largely charged with the conduct of the foreign relations of China, and his commanding influence in the counsels of the Empire, point to him as the proper person

to

to take up any important question and settle it.

At the same time there was no intention on the part of the Legation to allow the Viceroy, or any Chinese official, however powerful or eminent, to become the sole arbitrator of a claim, the equity of which had been passed upon by my Government. Accordingly, in my
4/62. reply, dated November 19th, I accepted the proposal with the understanding that the reference should bring with it a prompt disposal of the claims upon a basis that would satisfy our Government, and not result in a mere waste of time.

On

On the 24th of November Prince Kung acknowledged my despatch, accepting the reservation under which the Legation consented to the reference to Li Hung chang, and said that full copies of all records in the case would be made without delay, and referred to Li. 5/62.

I will, when informed that the case is before H. E. for settlement, send Mr. Holcombe to Tientsin with such instructions as I trust will lead to a prompt and honorable settlement of this wearisome, complicated, and annoying business.

Should Li Hung Chang make

make any proposal not contemplated by the instructions of the Department, but which, at the same time, appears to be an effort in good faith to end the business, I shall take the liberty of sending it by telegraph and asking your further pleasure.

I trust my action in these negotiations will meet with your approval. I have given the matter earnest study and care, anxious to have it settled, as it is not to the advantage of our Government in its dealings with China to have these ever present and petty causes of irritation. Larger questions — questions involving

involving the whole system of intercourse between China and the foreign Powers are ripening, and must soon absorb our serious attention. It will strengthen us to know that we have no grievance which has not been removed. If therefore I have in any way exceeded the instructions conveyed in the despatch of Mr. Blaine to my predecessor, Mr. Angell, and confirmed in your despatch number 15, I trust that the Department will feel that I was using a proper discretion, anxious only that there should be a settlement honorable alike to China and the United States.

I have the honor to be,

Sir,

Sir,

Your obedient servant.

Jno. Russell Young.

Enclosures.

1. Prince Kung to Mr. Young.
98/1882. October 17th, 1882.
2. Mr. Young to Prince Kung.
102/1882. October 29th, 1882.
3. Prince Kung to Mr. Young.
109/1882. November 17th, 1882.
4. Mr. Young to Prince Kung.
111/1882. November 19th, 1882.
5. Prince Kung to Mr. Young.
113/1882. November 24th, 1882.

Despatch No. 62.
Enclosure 1.

98/1882.

Prince Kung to Mr. Young.

I have had the honour to receive your despatch of the 24th September in the "Ward" and "Keorjeor" claims, in which you remark that these claims have remained for many years unadjusted, and that it would be a gratification to you at the outset of your term of service as Minister to this Court, to have these and all outstanding questions between China and the United States considered and determined etc. etc.

The "Ward" and "Keorjeor" claims

claims have been pending for twenty years. Some five or six successive Ministers, both at the Capital and in the provinces, have discussed them in all ways, until the correspondence on these subjects would make more than a foot in height. There is naturally nothing more that can be said about them at this time.

As Your Excellency has just arrived in China, the Prince and Ministers desire earnestly to discuss all international questions in a spirit of the sincerest friendship in order to strengthen the good relations between our two

Governments

Governments, and we most certainly do not wish to look for any cause of discussion. But as you have taken up these claims and have declared that "if there "should be any reason for denying "the justice sought" you would examine carefully into that reason, from which I perceive that, at the outset your desire is to understand thoroughly every case, I may observe in regard to the "Ward" and "Kerjer" claims that after the desertion of Burgevine, Benson made up fictitious accounts for military expenditures which Wu-Tautai was unwilling to pay. When Mr. Seward was Consul Gener-

al

al he, in concert with Wu Tautai invited certain persons to arbitrate these accounts. But Wu Tautai maintained that the arbitrators allowed large amounts to offset small items, and balanced true claims against fictitious ones, and so he could not accept the arbitrators award. He wrote Mr Seward twice to that effect in very plain language as the records show - Mr Seward held that the various items in the "Ward" claims having been decided by the arbitrators nothing more could be said about them. But he brought up the "Kiorjeor" case for a separate adjustment.

A

A suit having been brought by Hill against the heirs of Yang Tsiu, Mr. Seward in conjunction with the Customs Intendant at Shanghai examined the case repeatedly, the lawyers on either side maintained each his own view of the case, and to the end there was discovered no evidence by which to decide the case.

Thereafter Mr. Seward was made minister and discussed the case with the Foreign Office here for several years. The Foreign Office, having in most serious regard the good relations between the two Governments, and seeing no reason why a small

matter

matter of money should create a serious friction between us. as the claim originated in the South, instructed the Southern Superintendent of Foreign Trade to find a way for closing the business. A. E. Shen saw that the points involved in the claim were very many and that to appoint deputies to search out the records and carefully to investigate the whole affair would delay matters many months. — A much shorter way was to settle upon an amount due at once. In acting upon this plan he certainly was influenced by a regard for international

ternational good feeling, and did not follow it because justice required any such line of conduct. Mr. Seward refused to settle the claims upon the proposed basis, and hence they are still pending.

Last year Mr. Angell upon becoming minister inquired into these claims, and the Foreign Office laid the exact facts before him in response. Now Y. E. has also inquired about them, and I make this general statement of the history of the claims from the beginning to the end from which you will be able to discover the reason of my objections.

ions.

In regard to the minute details of these claims, the records are in your Legation and can be examined. There is therefore no necessity for the Prince and Ministers to go into particulars.

Honourable John Russel Young.
&c &c &c &c

October 17th, 1882.

Copy.
102/1882.

Despatch No. 62.
Enclosure 2.

Mr. Young to Prince Kung.

Peking, October, 29th, 1882.

Your Imperial Highness,

I have had the honour to receive your despatch of the 17th instant in response to my communication of the 27th September in the "Ward" and "Georjeor" claims.

In it, Your Imperial Highness remarks that these claims have been pending for twenty years, that they have been discussed by some five or six successive Ministers, and that there is naturally nothing more that can be said about them now. Your Imperial Highness further remarks

-marks that while Mr. Seward was Consul General he, in concert with Wu Taotai invited certain persons to arbitrate these accounts; that Wu held that the arbitrators allowed large amounts to offset small items, and balanced true claims against fictitious ones, and hence he would not accept the arbitrators award; but that Mr. Seward held that the various items having been decided by the arbitrators, nothing more could be said about them.

Your Imperial Highness also refers to the propositions made by Viceroy Shen in these claims when discussing them

at

at Nanking with Mr Nolcombe in 1874, and state in conclusion that the records of these claims are in this Legation, can be examined by me, and that there is no necessity for you to go into particulars. etc. etc.

In response I beg leave to observe that I quite agree with Your Imperial Highness that it is quite unnecessary for either of us to go into the particular details of these claims. They have been exhaustively discussed with Your Imperial Highness, by my predecessors, and their conclusions in regard to them have been repeatedly and

Emphatically

emphatically approved by the Government of the United States. It was after a careful examination of these records and in full view of what had been said on either side in regard to the claims that I addressed Your Imperial Highness in my despatch of the 24th ultimo.

In regard to the propositions made to Mr. Holcombe by His Excellency Shen in 1877. the Foreign Office is well aware that the refusal to accept them by Mr. Holcombe has been fully confirmed by my Government. Hence it would serve no good purpose to discuss them now.

In

In response to Your Imperial Highness' remarks in regard to the arbitration arranged for in these claims between Consul General Seward and Wu Yaotai, I beg to observe that my Government has on repeated occasions expressed its entire concurrence in the ground taken by Mr. Seward that "the various "items having been decided by the "arbitrators, nothing more could "be said about them." Of this fact Your Imperial Highness has been repeatedly informed. Your Imperial Highness is well versed in international procedure, and are well aware that it is an in-

variable

variable rule that when any matter is referred to arbitration, the decision of the arbitrators is final and must be carried into effect whether either or both parties to it are satisfied or not. It seldom happens that both sides are pleased with the result yet it is universally accepted and obeyed. Only a few years since the United States paid five and one half millions of dollars to Great Britain under an award of arbitrators, yet neither the Government nor people were satisfied with the award. It had been made by the arbitrators and that settled the matter, and

the

the money was paid at once. Your Imperial Highness is familiar with the arbitration between Japan and Peru in the "Maria Luz" case, in which Chinese coolies were concerned, and in which no less a person than the Emperor of Russia was selected as arbitrator. Peru was far from satisfied with the decision reached yet she accepted it quietly and in good faith.

It was a special concession to Taotai Wu by Mr. Seward that because the Taotai was dissatisfied with the result of the first arbitration he consented to allow a second. And it is

no

no mean proof of the conciliatory disposition and friendly spirit felt by the United States towards China that she has waited and patiently urged for more than twenty years the payment of the arbitrators award, a payment which, with almost any other Government, she would have certainly if not peremptorily insisted on at once.

I thank Your Imperial Highness very sincerely for your kind assurance that you desire "most earnestly to discuss all "international questions in a "spirit of the sincerest friend-"ship in order to strengthen the

"good

"good relations between our two
"Governments and that you "most
"certainly do not wish to look for
"any cause of discussion". This
feeling I most cordially reciprocate.
At the same time I must beg
leave to point out that the re-
fusal of your Government to
pay our just demands in the
"Ward" and "Georgeor" claims
forces upon me a "cause of
discussion" which I would
gladly have avoided but which
must continue to exist until
these claims are paid. In
my earlier despatch I inform-
ed Your Imperial Highness
that "all the arguments against

"this

"their validity, presented by the
"Cabinet, have received from my
"Government that careful and
"respectful consideration due
"to the representations of His
"Majesty's enlightened Ministers",
and that "my Government can-
"not find in these arguments
"any reason for the abatement
"of our just demands". On the
contrary the more carefully and
thoroughly these claims are ex-
amined by my Government the
more completely does the entire
justice and equity of our demands
become manifest. In view of
this fact. Your Imperial High-
ness will be ready to admit —

that

that they can only cease to be "a cause of discussion" by being met in full, and that the responsibility of the long continued existence of this serious source of friction between the United States and China must rest upon your Government and not upon mine. Its removal too depends upon Your Imperial Highness and not upon me or upon the Government which I have the honour to represent.

In conclusion I beg to repeat what I said in my earlier despatch, that if there be any new reason or argument not heretofore discussed or considered

by

by my Government why these claims ought not to be paid I am willing to consider it in a spirit of the sincerest friendship for China, and with an unbiased desire that justice be done. If there be no such unconsidered argument or reason, I must beg Your Imperial Highness to reconsider your ~~action~~ and issue such instructions as will secure the payment of our demands in the "Ward" and "Georgeor" claims at an early day.

I have &c.

(Signed) John Russell Young.

Despatch No. 62.
Enclosure 3.

109/1882.

Prince Kung to Mr. Young.

Your Excellency,

I have had the honour to receive your despatch of the 29th ultimo in the so called "Ward" and "Keojeo" claims.

In it you observe that the discussions between your predecessors and this office upon these claims have all been reported to your Government; that the refusal of Mr. Secretary Holcombe to accept the propositions of the Southern Superintendent of Foreign Trade for a settlement has been fully approved by your Government, and that it would

serve

serve no good purpose to discuss - them now.

You add that, in the arbitration arranged between Mr. Consul General Seward and Yautai Wu, the United States has repeatedly expressed its entire concurrence in the view maintained by Mr. Seward that "the various items in the "Ward" claims "having been decided by the arbitrators, "nothing more could be said about "them".

And your Excellency added in conclusion that these claims can only cease to be a "cause of discussion" by being paid in full - etc. etc. -

While I had your despatch under consideration with a view to

responding

responding to it. H. E. came with Mr. Secretary Holcombe to the Office and discussed this business. On that occasion three modes of dealing with these claims were suggested, as follows:-

1st. - Their payment in full at once.

2nd. - Arbitration upon them by some one of the Foreign Ministers, and

3rd. Reference of them to H. E. Li Hung Chang with instructions to him to devise a plan for ending them.

In the opinion of this Office - these questions of money claims between the two Governments have been a source of serious friction, and have hence given rise to repeated

dis-

discussion. If it be asserted that they must be paid in full, very serious difficulty would be found in accepting and complying with such a proposition. The details of these claims are exceedingly intricate and involved, and it is not easy to decide upon the equities affected. It certainly would not be advisable to trouble the foreign ministers with them.

But when H. E. Li was General in command of the military forces at Shanghai he was intimately acquainted with all the circumstances connected with the steamer "Keerjee". Later, as Superintendent of Foreign Trade and Governor of Kiangsu he

was

was thoroughly familiar with particulars of these claims from beginning to end.

It seems to me therefore that the third suggestion is entirely practicable. I write to inform you of my opinion, in the first instance, and to beg, if you agree with me in this view, that you would so inform me at an early moment. Copies of all the records in these cases will then be sent by this Office to H. E. Li in order that he may examine into the claims with H. E. to the end that they may be disposed of.

Honourable John Russell Young.
&c &c &c &c.

Peking, November, 17th, 1882.

Despatch No. 62.
Enclosure 4.

111/1882.

Mr. Young to Prince Kung.

Peking, November 19th, 1882.

Your Imperial Highness,

I have had the honour to receive the despatch of Your Imperial Highness of the 14th instant in relation to the "Nard" and "Keorjev" claims.

In it Y. I. H. refers to certain suggestions made at a personal interview had with the ministers of the Foreign Office upon the 31st ultimo. You remark that compliance with the first of these suggestions would be exceedingly difficult, and that the second is not advisable.

able. As to the 3rd Y. I. A. observes that N. E. Li is intimately acquainted and familiar with all the circumstances connected with the steamer "Keorjeor" and the particulars of these claims from beginning to end. You add that the suggestion to refer the "Ward" and "Keorjeor" claims to him for adjustment is entirely practicable. And you request that, if I agree with you in this opinion, I would so inform you at an early moment, in which event copies of the records in the case will be sent him to the end that he may examine into the claims with me and dispose of them.

In reply I beg to observe that I have long known that N. E. Li was

entirely

entirely familiar with all the facts and circumstances of these claims, and hence is eminently well qualified to deal with them.

I am therefore prepared to despatch Mr. Secretary Holcombe to Tientsin with full authority to discuss and adjust terms of settlement of these claims with H. E. Li, if Y. S. A. is prepared to send such full and explicit instructions to H. E. Li as will effectually secure a prompt disposition of them, and prevent any further prolonged and embarrassing discussion of them between Y. S. A. and this Legation.

In case Y. S. A. accepts this condition, I beg you to so inform

me

me at an early moment; and also to let me know how soon you will be able to place the necessary papers in the case in the hands of N. E. in order that I may despatch Mr. Holcombe to Tientsin without unnecessary delay.

Y. I. N. will assuredly agree with me that it is in the highest degree desirable that relation of sincere amity and good will should exist between our respective Governments. And I am convinced that Y. I. N. is also of opinion that nothing could serve so effectually to promote such relations than the final disposition of these vexatious questions.

I am persuaded that Y. I. N.

is

is animated by this spirit, and with this understanding I am prepared to accept the proposition of G. I. A.

I have lev

(Signed) John Russell Young.

Despatch No. 62.
Enclosure 5.

No. 113/1882.

Prince Kung to Mr. Young.

In the matter of the "Ward" and "Keorjeor" claims, I have had the honour to receive your despatch of the 19th inst. in which Y. E. remarks that you have long known that N. E. Li was entirely familiar with these claims from beginning to end, and that if I am prepared to send such full and explicit instructions to N. E. Li as will effectually secure a settlement of them, Y. E. will despatch Mr. Secretary Holcombe to Tientsin with the necessary authority to discuss and arrange terms of settlement with

N. E.

N. E. Li. And Y. E. requests me to inform you at what time I shall be able to place the papers in these cases in the hands of N. E. Li, in order to avoid needless delay, etc. etc.—

In reply I beg to observe — that since Y. E. consents to send Mr. Holcombe to Tientsin to discuss and arrange with N. E. Li a settlement of the "Ward" and "Heorjor" claims. I will at once instruct N. E. to discuss and close these cases with him. But the papers in these claims are very voluminous and they are embodied in the archives of this Office which cannot with propriety be removed. Hence it will be necessary

any to make full copies of all the records concerned, and this will necessitate a little delay. I will have these copies made with the utmost speed and will inform H.E. when they are completed, in order that you may fix a day for Mr. Holcombe's departure.

Honourable John Russell Young.
&c &c &c &c.—

Peking, November, 24th, 1882.

Two Enclosures.

Williams

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

Legation of the United States,
Peking, November 27th, 1882.

Chester Holcombe to
the Secretary of State.

Subject.

Compensation for service as
Chargé d' Affaires.

Synopsis.

Refers to despatch of 20th instant,
and encloses duplicate statements.

Two Enclosures.

Legation of the United States.

Peking, November 27th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

Referring to my despatch of the 20th instant, I now have the honor to enclose duplicate statements of the amount of additional compensation due me for service as Chargé d'Affaires from July 1st, 1878. to June 19th, 1879. 1/
and from October 13th, 1881. to 2/
August 17th, 1882.

I have the honor to be,
Sir, Your obedient servant.
Chester Holcombe

Enclosures.

Enclosures.

1. Statement of a/c for service as Chargé d'Affaires from July 1st 1878. to June 19th, 1879.
2. Statement of a/c for service as Chargé d'Affaires from October 13th, 1881. to August 17th, 1882.

Acd. J. Mr Young's conclusions are found to agree with the views written to him in instructions already sent him on the subject on the 8th of Sept last. Acd. July 22. 1882 Cr. Ltr.

W. McLean

No. 63. Three Enclosures.

Legation of the United States

Peking, November 27th, 1882.

DEPARTMENT OF STATE
JAN 15 1888
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Chinese immigration to the United States.

Synopsis.

Refers to despatch number 42, and encloses further correspondence with Consul Mosby. Reasons for not thinking it expedient to move in the matter, and requests the instructions of the Department.

No. 63. Three enclosures.

Legation of the United States.

Peking, November 27th, 1882.

Honourable F. T. Frelinghuysen

Secretary of State.

Sir,

On October 14th in my despatch No. 42 I wrote to the department in reference to a letter addressed to the Legation by Colonel J. S. Mosby, United States consul at Hongkong in reference to the emigration of Chinese from Hongkong to the United States. Colonel Mosby asked the Legation to suggest to the Cabinet the advisability of appointing an official at Hongkong who would furnish certificates of identity to all

Chinese

Chinese passengers, entitled under the law to visit the United States. In my despatch I informed the department that I had some hesitancy about addressing the Cabinet upon any question of Chinese emigration unless to serve some vital necessary purpose. I also said that I would ask Colonel Mosby for a further explanation of his proposal to the Yamên.

Colonel Mosby responds to this request in a letter dated October
1/63. 31. This letter encloses a communic-
2/63. ation from F. E. Foster, the agent at Hongkong of the Pacific Mail and Occidental and Oriental Steamship Lines.

Mr.

Mr. Foster points out that the absence from Hongkong of any Chinese official possessing authority to grant certificates of Emigration to such Chinese as are entitled under the law of May, 4th last, to enter the United States and the almost perfect impossibility of procuring such certificates from the Viceroy of Canton or the central government at Peking is working great hardships among the mercantile class and is proving highly detrimental to the commerce between this country and the States." Mr. Foster further proposes that this Legation should endeavour to induce the Chinese government either to appoint an emigration agent to reside at Hongkong

or

or open an emigration office at Canton. Mr. Foster points out that in the ordinary course of business Chinese merchants must travel between China and the United States, and that it is necessary for Chinese firms established in America to change or replace their agents," neither of which things can now be done under the defective working of the law." Mr. Foster points out that the intention of the law was to restrict coolie emigration and not interfere with the already established commercial relations between the two countries." Colonel Mosby in enclosing this letter recommends the Legation "in the interests of American commerce

to

to bring the matter to the attention of the Peking Cabinet."

There are some difficulties surrounding the question, I would respectfully bring to your attention. The only parties aggrieved are Chinese subjects. Their griefs are in no sense the care of our government. Chinese merchants know that under our law they can go to the United States and transact business. They have access to their own authorities, and it is for them to secure from their government the appointment of an official who would give them authority to travel. Hongkong is a British port, and the commerce this restriction affects is a British interest. If any foreign

eign power should ask the Peking Government to make the proposed appointment, it would naturally be the government of Great Britain.

I still hesitate to enter upon any subject with the Yamên which will open up the emigration question. It has never been mentioned to the Legation in any conversation either with the members of the Yamên or the Viceroy Li-Hung-Chang. The reasons for this reserve have been a matter of speculation with me, as the Chinese statesmen are not famed for their reticence, and the records of the Legation show that the emigration question was not in former times a matter of indifference to them.

I

I might add also that if I were to make this application, it would only be with a faint hope of success. The temper of the present cabinet is not the most conciliatory towards foreigners, and foreign interests. We have larger and more comprehensive questions affecting our whole relations with China which soon must be brought to an issue, and the decision of which will require firmness and skill and a concentration of effort by all the foreign representatives. I would reserve all minor questions until we have settled the grave issue now pending respecting the treaty rights of foreigners at the ports.

In the presence of these objections,

I

I feel that before taking the action suggested by Mr. Foster I should ask the orders of the department. If the commercial interests at stake are of immediate importance I shall be happy to carry out the wishes of Mr. Foster. At all events I do not feel that I should enter upon the subject with the Imperial Cabinet until I am sure that in doing so I represent the mind of the department.

3/63.

I am, Sir,

Your obedient servant,

Jno. Russell Young.

Enclosures.

Enclosures.

1. Mr. Mosby to Mr. Young.

58/1882. October, 31st 1882.

2. Mr. Foster to Mr. Mosby.

October 26th, 1882.

3. Mr. Young to Mr. Mosby.

113/1882. November. 23rd, 1882.

Dispatch No. 63.
Enclosure 1.

Mr. Mosby to Mr. Young.

No. 58.

Hongkong, Oct. 31st, 1882.

Sir,

I have the honour to enclose for your consideration a letter from Mr. F. E. Foster Agent of the Pacific-Mail Steamship and Occidental and Oriental Steamship Companies calling my attention to the fact that no one has been designated by the Central Government of China at Peking to issue certificates to Chinese Merchants and travelers who under the act of Congress of May last are required to have a certificate of identification when coming into the

United 2/

2/ United States. I also enclose a letter from the Secretary of State on the same subject. I would suggest therefore in the interests of American commerce that you bring this matter to the attention of the Government at Peking.

I have &c

(Signed) John Mosby

U. S. Consul.

Despatch No. 63.
Enclosure 2.

Mr. Foster to Mr. Mosby.

Hongkong, October, 26th, 1882.

Sir,

The absence at this port of any Chinese Official possessing authority to grant Certificates of Emigration to such Chinese as are entitled under the law of the 4th May, last to enter the United States, and the almost perfect impossibility of procuring such certificates from the Viceroy at Canton or the Central Government at Peking, is working great hardship amongst the Mercantile class, and is proving highly detrimental to the Commerce between this country and the States. My object in calling your attention to this

subject

subject is to request that you may lay the case before the Minister for the United States at Peking, asking of him his assistance to induce the Chinese Government, either to appoint an Emigration Agent to reside at this port, or to open an Emigration Office at Canton. Without the certificate required by law no Chinese merchant can enter the United States; and as the Collector of the Port of San Francisco now refuses to issue Certificates to merchants returning to China, it follows that so serious an obstruction to the usual course of business will speedily cause a permanent falling off in the Commerce between the two countries. In the ordinary oper-

ations

ations of business a Chinese merchant must travel between the two countries for the purpose of making purchases of merchandise; and again it is frequently and periodically necessary for a Chinese firm established in America to change or replace its agents; neither of which things can now be done under the defective working of the law.

The design of the law of 4th May was purely to restrict the immigration of coolies or labourers to the States, and was in no way intended to interfere with the already established commercial relations between the two countries. I respectfully request, therefore, that you will be good enough to represent the existing difficulties to the minister

at

at Peking, and obtain, if possible his coöperation in carrying out such measures as I have suggested or any others which may effect the same purpose.

I am &c

(Signed) F. E. Foster.

Agent.

Mr. Frelinghuysen to Mr. Folger.

Washington, Aug. 7th, 1882.

Sir,

I have the honour to acknowledge the receipt of your letter of the 17th ult., requesting an expression of my opinion on the question thus stated in your letter viz:- Whether the term "Chinese Government", in Section 6 of the Act of May 6th 1882. to execute a certain treaty stipulations relating to Chinese - shall be construed to refer to the - Central Government at Peking or to the local authorities at the port from which the vessel departs."

In any question arising

between

between the authorities of this Government and those of China in relation with identity of Chinese Immigrants as provided by that Section, the Central Government at Pekin must be understood to be meant. Under the treaty to execute which the Act in question was passed, this Government knows only the Imperial Government at Pekin. It knows nothing of the functions nor, indeed, officially of the existence of local authorities in Chinese ports.

Of course the obligation imposed on the Chinese Government may be discharged in its own way and by such local officers as the Government may choose to designate,

designate, and under such municipal regulations as it may deem proper to make; but the Imperial Government at Peking is the party responsible. Of this, I entertain no doubt. –

I have &c —

(Signed) Frdk. T. Frelinghuysen.

Despatch No. 63.
Enclosure 3.

No. 43/1882.

Mr. Young to Mr. Mosby.

Peking, November, 23rd, 1882.

Sir,

I have the honour to acknowledge your letter dated October 31/82 enclosing to the Legation a correspondence between your Consulate and F. E. Foster, Esq. Agent of the Pacific Mail and Occidental and Oriental Steamship Lines, in reference to the fact that no one has been designated by the Central Government of China at Peking to issue certificates to Chinese merchants and travellers who, under the act of Congress, are required to have a certificate of identification when going to the United States.

States.

The Legation will give the question its best attention. I would prefer to have the matter brought to the Peking Government through Chinese sources if possible, as it really concerns the interests of Chinese subjects who wish to visit the United States and have a right under the law to go there.

There are one or two other points involved in any application I might make to the Imperial Cabinet, - of the character you propose upon which before taking action, I am anxious to have the opinion of the department. I have therefore referred the subject to the Secretary of State. If the Secretary approves - the Legation will be happy

to

to do what can be done to carry out the wishes of Mr. Foster.

Sam, Sec

(Signed) John Russell Young.

PRINTED
FOREIGN RELATIONS
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Mr Williams

No. 64. Seven Enclosures.

Legation of the United States.

Peking, November 28th, 1882.

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

John Russell Young to the Secretary of State.

Subject.

Telegraph operations in China.

Synopsis.

Messrs. Russell & Company ask of the Chinese Authorities permission to lay a cable from Shanghai to Hongkong. States action taken, with copies of all correspondence on this petition. Chinese refuse on ground of the monopoly granted in 1881, by Li to Great Northern Telegraph Co.

Refers

Refers to correspondence between Mr. Angell, and Mr. Holcombe and Prince King upon this monopoly as already reported to the Department. Covers translation of the monopoly concession, and points out its absurd and injurious features. Has renewed request that Messrs. Russell & Co's petition be granted. German, French, and English colleagues acting with Mr. Young in the business.

No. 64. Seven Enclosures.

Legation of the United States.

Peking, November 28th, 1882.

Honorable F. T. Frelinghuysen
Secretary of State.

Sir:—

I submit to the Department a series of enclosures in reference to a question of great interest now in discussion with the Imperial Cabinet.

On the 20th of October, the Legation received a letter from Messrs. Russell & Company of Shanghai, which is herewith enclosed, asking from the Imperial Cabinet permission for a company of foreign merchants doing 1/64.

doing business in China, to lay a sub-marine cable between Shanghai and the ports of Foo Chow, Amoy, and Swatow, terminating at Hongkong. The offer of the company was couched in the most liberal spirit, with a full recognition by the promoters of the sovereignty of China.

2/64. To this I responded that I would submit the proposition to the Department, but that, in the meantime, the enterprise commended itself to the judgment of the Legation, as calculated to advance the best interests of the Chinese and the foreign residents, and that I would be glad to unite with my colleagues in

any

any representation to the Tsung li Yamen, "that would secure "the desired concession", feling assured that my action would meet the approval of the Department.

Applications of the same nature were made to other Legations here by German, British, and French houses in Shanghai.

On the 23rd of October, I met my colleagues, Mr. von Brandt, the German Minister, Mr. Bouree, the Minister of the French Republic, and Mr. Grosvenor, the Chargé d'Affaires of the British Legation. We discussed the matter at length, and agreed

that

that the request was one which our respective Legations should support. It was further determined that we should each send a note identical in terms to the Yamen asking Imperial permission to lay the proposed cable.

In pursuance of this agreement, on the 24th of October, I addressed H. I. H. Prince Kung a note which is enclosed. In this it was pointed out that the present sub-marine cable service was irregular and imperfect to the detriment of business interests, and that the necessity for another cable had been made apparent by many losses

3/64.

losses and inconveniences on the part of our mercantile houses. I assured H. I. H. that the company proposed to do its work in good faith, and called special attention to the promise of its projectors to undertake no "extension of their line without the "approval and sanction of the "Chinese authorities and with "due regard to the rights and "interests of private persons". I ventured to dwell also upon the many advantages that could accrue to the Chinese Government and people from the establishment of an independent line.

To this note H. I. H. on the 31st of October responded in

4/64. in a despatch which is enclosed. In this despatch H.I.H. referred to the communications made to the Cabinet my predecessor, Mr. Angell, upon the grant of a telegraph monopoly to a Danish corporation known as the Great Northern Telegraph Company by the Grand Secretary, Li Hung Chang. H.I.H. regarded that grant as valid and contended that the Grand Secretary in approving it was initiating a policy which followed the precedents of France and Russia, and so informed Mr. Angell. After the departure of Mr. Angell, Mr. Holcombe, acting as Minister, again brought the question before the Yamen. He was informed, in

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the words of the Prince, that
"whenever an American company
"desired to lay a telegraphic cable from
"Japan to China, satisfactory
"arrangements would most "
"positively be made for them to do
"so." At the same time the Prince
said that H. E. Li, in making
his contract with the Great "
Northern Company, was following
"a mode of procedure adopted
"by the Western Powers." To assent
therefore to the present proposition
would, in the opinion of H. I. H.,
not only conflict with the grant
already made by Li, but would
not be in accord with "the "
"policy hitherto adopted in such
"matters by Western Powers."

The

The Prince further added in reference to the complaints as to the irregularity of the present sub marine cable service, that orders would be sent to Li to insist upon the lines being kept in good working order.

In this connection, I would call your attention to a petition of the Great Northern Company, a translation from the Chinese text of which I
5/64. enclose. This document will show the strange and inexplicable nature of the contract into which the Chinese Government was induced to enter.

The Legation, on the 14th of
6/64. November, in replying to the note

note of Prince Kung, entered at length upon the considerations suggested by this petition. The dispatch will show the Department the objections to any such concession as that granted to the Hanish Company, objections which concern the sovereignty and independence of China, even more than the mere material interests of foreign capitalists seeking new enterprises as means of gain. There can be no reasonable doubt but that the Hanish Company profited by the inexperience of Chinese officials to lead the Chinese Government into covenants which no Western

Government

Government would allow, covenants the nature of which must in time become apparent to the Chinese themselves, and probably be regarded to our detriment as another evidence of the unjust and grasping spirit of the Western world in dealing with the Oriental people. If there were no American interests, therefore, to represent and defend, consideration for the best interests of China would alone justify the Legation in the arguments so earnestly pressed upon Prince Kung.

By this contract the Government grants the Klamish Company

Company, for twenty years, a monopoly of all the sub marine cables already landed in China, during which time the Government engages itself not to allow any cable whatever unless with the consent of the Company. During this period, the Government will not permit the construction of any land lines that may be in opposition to the sub marine cables. Thus a concession for a sub marine line is so worded as to put the whole land telegraph system of this vast Empire at the mercy of a private corporation. Future telegraphs in China are to be controlled by the Company to

the

the exclusion, not only of the Government's sovereign rights, but of all other foreign interests.

This concession, as the Legation points out to Prince Kung, is a virtual surrender on the part of China of an essential element of sovereignty, namely the control of its telegraph. If the Government chose to build its own lines, as in France and England, and other countries, making them a part of the postal system, there could be no objections, and it would be our duty to recognize this as a step towards that progress in Western civilization, the advancement of which is the

aim

aim of all who wish well to China. If private companies, no matter of what nationality, were to build lines in competition, we could make no objection, only advising our countrymen to take their chance with the others, knowing that success or failure would follow the laws of business enterprise, and not be affected by diplomacy. If the Government declared it would only grant permission to build telegraphs to its own subjects, we might advance objections, but strong reasons could be given in favor of such a policy. [The Government, however, in

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a moment of folly and blindness, gives absolute control of its telegraph system to an alien irresponsible corporation, exacting no guarantees for the performance of its pledges, and asking no assurance that it will in any way extend the system so as to confer upon the Empire the benefits of the telegraph. Practically, the whole question of the future of telegraphs in China, so important to the welfare and development of the Empire, is surrendered by the Government for twenty years.

The return for this is a privilege so paltry as to be unworthy

unworthy of consideration. My hope is that the arguments thus presented will convince the Chinese Government of the blunders they have committed, blunders which, as shrewd men, the members of the Cabinet, concerned for the interests of their Empire, will not fail to see. To that end, I repeated my request that "an American firm be "allowed to land a cable at "Shanghai, Foochow, Amoy, and "Swatow, or, if from political "or military reasons the Chinese "Government should prefer to "see a land line established, "to grant permission to lay such

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"a line to the petitioners."

In making this request the Department will observe that the Legation is acting with the Ministers of England, Germany and France, the company which Russell & Company represent having English, French, and German merchants in its direction. In our conferences upon this subject, and especially as to the best means of convincing the Cabinet of the impropriety of granting monopolies like that given to the Olanish Company, there has been the utmost harmony and a general agreement as to the justice and moderation of our

own

own demand.

I have the honor to be,

Sir,

Your obedient servant.

Jno. Russell Young

Enclosures.

1. Messrs. Russell & Co. to Mr. Young.
53/1882. October 12th, 1882.
2. Mr. Young in response.
35/1882. October 21st, 1882.
3. Mr. Young to Prince Kung.
Informal October 24th, 1882.
4. Prince Kung to Mr. Young.
Informal. October 31st, 1882.
5. Petition of Great Northern Tele. Co.
June — 1881.
6. Mr. Young to Prince Kung
Informal. November 14th, 1882.

7.

J. Ker. Young to Messrs. Russell & Co.
45/1882. November 25th, 1882.

Copy.

Despatch No. 64.
Enclosure 1.

Messrs. Russell & Co. to Mr. Young.

Shai, October, 12th, 1882.

Sir,

We are requested to ask the favour of your exerting your influence with the Tsung-li-yamén to obtain for an association of merchants here permission to lay a submarine telegraph cable between Shai and the ports of Amoy, Foochow and Swatow and terminating at Hongkong.

If this permission be granted it is the intention of those who are interesting themselves in the project to invite the co-operation of Chinese merchants and others here, and at the different stations on the proposed line.

The telegraphic service on the coast of China and between this port and Hongkong has long been unsatisfactory. The one existing cable has been subject to

interruptions

interruptions in its working for several years past, but during the last few months these interruptions have been so frequent and so prolonged that the necessity for a new and independent line forces itself still more and more upon communities at the ports named.

There is good reason to believe that if permission to land the cable at those of the open ports on the coast which we have indicated is obtained from the Imperial Government the capital required will be subscribed among this, the Foreign and Chinese Communities.

The undertaking is purely of a commercial character and originates among merchants who find great inconvenience and loss arise from the many interruptions which occur on the present line and who desire also to have the advantage of a more extended system of inter-

port

port communication.

If permission be granted to land cables at certain points on the coast near to the ports we have mentioned, the Company will, if further permitted, construct land lines connecting these with their offices. In doing so every care will be taken to carry out the necessary works with the approbation of the local officials and with due regard to the rights of the people.

We beg to mention that letters of a similar tenor to this have been addressed by Messrs. Alfred Dent &c: to the British Chargé d'Affaires - by Messrs. Siemssen &c., to the Minister for the German Empire and by Messrs. Ulysse Pila &c., to the Minister for France at Peking and we trust that you may be able to co-operate with their Excellencies in obtaining the desired permission.

We have &c

(Signed) Russell &c.—

Despatch No. 64.
Enclosure 2.

Mr. Young to Messrs. Russell & Co.-

Peking, October, 21st, 1882.

No. 35/1882.

Gentlemen,

I have the honour to acknowledge your letter of the 12th instant in which you ask the Legation to obtain from the Tsung-li-Yamên, permission for an association of merchants to lay a submarine telegraph cable, between Shanghai and the ports of Foochow Amoy, and Swatow, terminating at Hong-Kong. You inform me that it is the desire of yourself, your associates to "invite the co-operation of Chinese merchants and others" in Shanghai and at the different stations on the line." It is furthermore your intention to use every care to "carry out the necessary

works

works with the approbation of the local officials and with due regard to the rights of the people". You say in conclusion that other mercantile houses in Shanghai have addressed my French, German and English collegues asking them to make an application of the same tenor to the Tsung-li-Yamên, and express the hope that I "may be able to co-operate with their Excellencies in obtaining the desired permission."

I shall submit your proposition to the Department of State. In the meantime your enterprise meets with my hearty approval, as one that will be a benefit alike to the Chinese and the foreign residents. I shall be glad to unite with my collegues in any representation to the Tsung-li-Yamên that may se-

cure

-cure the desired concession feeling assured that my action will meet the approval of the Government.

I am, &c.-

(Signed) John Russell Young.

Despatch No. 64.
Enclosure 3.

Informal.

Mr. Young to Prince Kung.

Peking. October, 24th, 1882.

The undersigned has the honour to bring to the knowledge of His Imperial Highness Prince Kung and their Excellencies the Ministers of the Tsung-li-yamên — that the following request to be laid before the Yamên has been addressed to him by an American firm at Shanghai acting on behalf of a number of mercantile houses in China.

The telegraphic communication along the Chinese Coast and between Hongkong and Shanghai having been very irregular for a considerable

time

time in consequence of frequent accidents happening to the single cable existing between these places, great inconveniences and losses have thus been caused to the mercantile communities in China; during the last few months the interruptions of the telegraphic service have become so frequent that the necessity of an other independent cable being laid has made itself more and more felt.

A company formed by merchants of all nationalities is willing and desirous to undertake the work of laying a cable between Shanghai, Foochow, Amoy, Swatow and Hongkong and the

permission

permission of the Imperial Chinese Government once obtained, to invite Chinese merchants residing at the above mentioned places to join them in the undertaking.

The ends which the company has in view being purely commercial ones it would aim less at pecuniary advantages than to do away with the existing disadvantages of the present system and others which are likely to arise from it in future.

If the company should obtain the permission to land the cable in the neighbourhood of the above named places, it promises that where it shall be necessary to join the cable by

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a landline to the offices of the company in these places, such work shall be undertaken only with the approval and sanction of the Chinese authorities and with due regard to the rights and the interests of private persons.

While bringing this request for the permission of laying a cable between Shanghai, Foochow, Amoy Swatow and Hongkong to the knowledge of the Tsungli-yamên and recommending it most warmly to the favourable consideration of the Chinese Government, the Undersigned begs to draw the attention of His Imperial Highness Prince Kung and their Excellencies the

Ministers

Ministers of the Yamên to the many advantages which must result to the Chinese Government and people from the establishment of an independent telegraphic communication between Shanghai and Hongkong and the intervening ports by a company composed of Chinese merchants and foreign merchants residing in China, having its seat in China and offering to the Chinese Government all the political, financial and commercial guarantees which these facts must carry with them.

A request similar to the one now laid before the Tsungli Yamên has

has been addressed by mercantile houses of other nationalities to the Representatives of Great Britain, France and Germany and will be brought to the knowledge of the Yamên at the same time as the one contained in this note, but all these requests refer to one Company only and to one cable to be laid.

While hoping for an early favourable reply from His Imperial Highness and their Excellencies the Undersigned profits etc. (

[illegible]

Despatch No. 64.
Enclosure 4.

Informal.

Prince Kung to Mr. Young.

Peking, October, 31st., 1882

Your Excellency,

In June of last year Minister Angell came to this Yamên and stated that the Danish Great Northern Telegraph Company had secured from the Grand Secretary Li a monopoly for the laying of sea cables for a period of twenty years. This Yamên maintained that His Excellency Li, in initiating this policy and entering into an agreement for a term of years, was following a precedent established by the two Governments

of

of Russia and France, and so replied to Minister Angell. Thereafter he came to this Yamen repeatedly to discuss the question, and more than one communication passed between us on it.

After Minister Angell returned to the United States, Mr. Holcombe, then Chargé d'Affairs, addressed a despatch to me inquiring whether the agreement concluded between His Excellency Li, and the Great Northern Telegraph Company had been confirmed by the Throne. In response he was informed that whenever an American company desired to lay a telegraph cable from Japan to China satisfactory arrangements

would

would most positively be made for them to do so; and that the agreement referred to was a petition prepared by the Great Northern Telegraph Company submitting certain propositions to His Excellency Li, which had been approved by him.

I am now in receipt of a communication from Your Excellency setting forth a request made to you by certain American merchants resident at Shanghai acting on behalf of a number of mercantile houses at the various ports in China. The substance of their request is that the telegraphic communication along the Chinese Coast and between Shanghai and Hongkong

having

having been very irregular in the past because of frequent accidents to the single existing cable, a company formed by merchants of all nationalities is willing and desirous to lay a cable between Shanghai, Foochow, Amoy, Swatow and Nongkong. If the permission of the Chinese Government can be obtained for this scheme Chinese merchants residing at these several ports will be invited to join in the undertaking. Whenever it shall be necessary to join the cable by a land line to the offices of the company in these places, such work shall be undertaken only with the approval and sanction of the local authorities.

etc

etc. etc.

Your Excellency calls my attention to the many advantages which would result to China from the construction of such a cable by Chinese and foreign merchants residing in China and offering political, financial, and commercial guarantees. And you express the hope that I will give the request careful consideration and favour Your Excellency with an early response, etc. etc.

It appears that the public policy of the various Western Powers in the construction of railroads, telegraphs, and similar works has in the past been determined by each Government

ment for itself. In some the Government has initiated such enterprises itself. In others they have been entrusted to Public Companies. Last year His Excellency Li in the construction, with the Great Northern Telegraph Company, of a Chinese Telegraph line simply followed a mode of procedure adopted by the Western Powers. And further The Great Northern Telegraph Company has a monopoly for 30 years with Russia, and one for 25 years with France. These are all on record. But in this case of the construction of telegraph lines by China, His Excellency Li only granted to the Great Northern

Telegraph

Telegraph Company a monopoly for 20 years.

And now foreign merchants of various nationalities, desire, in addition to the existing Chinese telegraph line to lay another cable from Shanghai, via Foochow, Amoy, and Swatow, to Hong Kong.

This would not only conflict with the agreement entered into between His Excellency Li and the Great Northern Telegraph Company, but I fear it would also not be in accord with the policy hitherto adopted in such matters by Western Powers, and hence I find it difficult to agree to the proposition.

With regard to what is

said

said about the frequent accidents happening to the Chinese line, etc. etc. such things certainly cannot be allowed. Instructions must be sent by this Yamen to His Excellency Li to most positively direct the Great Northern Telegraph Company to see to it that the various telegraph lines within the domains of China are constantly kept in a condition for service, that no interruptions must be allowed, and that certainly constant increase in the tariff of charges will not be permitted, as all these results in loss and inconvenience to the Chinese

and

and foreign public.

And I begin conclusion to inform Your Excellency that in consequence of the receipt of your note, instructions as above have been sent to His Excellency Li.

Copy.

Despatch No. 64.
Enclosure 5.

Petition of the Danish Great Northern Telegraph Company asking the approval of the six following articles of agreement in regard to the construction of telegraph lines in China.

Approved by His Excellency Li Hung Chang, etc. etc. etc. etc. upon the 12th day of the moon in the following endorsement:-
"The plan proposed in the petition "is approved and will hereafter, "by the necessary instructions, be "carried into effect. Of the two "foreign copies, let one be sealed and "returned to the petitioners, and the "other placed on record."

The

The petition of the Danish Great Northern Telegraph Company to His Excellency the Northern Superintendent of Foreign Trade respectfully submits that some definite preliminary understanding should be reached in regard to the interests which affect in common the telegraph lines constructed by China and those of the above mentioned Company. They therefore submit six Articles for which they pray the approval of His Imperial Majesty that they may be carried into operation, to the end that this Company may receive the benefits arising from the protection granted to it by the

Government

Government, and may not be deprived of such advantages as lie within the sovereignty of China.

And this Company begs leave in support of this petition to submit the following Statement. Last year this company, at the orders of the Foreign Office and the Northern and Southern Superintendents of Trade, transmitted over its lines to Russia a sum total of about ten thousand words, and to other points about six thousand words, making a total of 16,000 words sent. Messages were received amounting to about 8,000 words, making a total received and sent of say of 24,000 words. The cost of

transmission

transmission for this number of words amounted to $52,800. dollars. If the arrangement proposed in the fourth Article had been in operation last year. China in her telegraphic correspondence with Russia would have expended only $7,500., and with other parts only $12,000. being a sum total of only $19,500. The expense of transmission on the lines of this Company would have been remitted, and the Government would have saved a total of $33,300.

From this statement it is evident that, under the arrangement proposed of mutual concession

cession, both parties to it will secure great advantages. And if the request of this Company be granted, the utmost care will in future be taken in all sincerity to protect the interests of China.

Proposed Articles.

I.

The Chinese Government guarantees to the Great Northern Telegraph Company an exclusive monopoly for their sea cables already landed within Chinese territory. Should the Company desire to land other cables in China, the consent of the Government of China must

first

first be had.

For a period of 20 years, reckoned from the date of the ratification of this agreement, the Chinese Government will not permit other Governments or other Companies to lay telegraph cables within its territory, nor, within the above mentioned term of years, to land telegraph cables within the foreign concessions or Formosa.

II.

Within the same period of 20 years - the Chinese Government will not construct telegraph cables or land lines which will conflict with any of the lines of the Great Northern Telegraph Company. -

Between

Between points where there will be no conflict with the lines of the Great Northern Telegraph Company, the Chinese Government will build lines at its pleasure.

III.

If hereafter the Chinese Government should establish additional telegraph lines the Great Northern Telegraph Company will be employed by the Government to construct them provided their terms are lower than those of other parties.

IV.

Messages of the Chinese Foreign Office, Northern and Southern Superintendents of Foreign Trade, Chinese Diplomatic Agents and Consuls

General

General abroad shall be sent free of charge by the Great Northern Telegraph Company over its lines in China, Japan, and Europe, for a term of 20 years. Whenever such messages are intended for points not reached by the lines of the Company, they will be forwarded to their destination over the lines of other Companies, and the Chinese Government will pay the charges levied by such other companies. But the Great Northern Telegraph Company will remit the charges on such messages only of the class specified as bear the official seal of the sender in evidence of their being genuine.

V.

V.

The Great Northern Telegraph Company's line connecting at Hongkong with European lines is called the "Southern Line". That via Japan connecting with the Russian System is called the "Northern Line". After the completion of the Chinese telegraph line all messages sent by Chinese and Foreign residents in China to foreign parts and delivered by the Chinese telegraph line to the Great Northern Telegraph Company for transmission, unless such messages are endorsed to be forwarded by the "Southern Line," will be sent by the "Northern Line" as being more speedy.

speedy.

VI.

Hereafter in cases of dispute, the Chinese text of this version shall be accepted as authoritative.

June 1881.

Kuanghsü, 7th year, 5th moon.

Signed by Henningsen for the Great Northern Telegraph Company.

Dispatch No. 64.
Enclosure 6.

Mr. Young to Prince Kung.

Informal. November, 11th, 1882.

Your Imperial Highness,

I have the honour to acknowledge the receipt of Your Imperial Highness's letter of the 31st ultimo being an answer to my letter of the 21st of the same month, in which I laid before Your Imperial Highness the request of an American firm at Shanghai, acting on behalf of a number of mercantile houses in China to be allowed to lay a telegraph cable from Shanghai, via Foochow, Amoy, and Swatow to Hongkong.

Your

Your Imperial Highness refers in the preamble of your letter to certain conversations and correspondence which Minister Angell and Chargé d'Affaires Holcombe had with Your Imperial Highness last year on the subject of a rumoured grant of a monopoly to the Great Northern Telegraph Company and you remind me that in that correspondence you informed this Legation that His Excellency Li in initiating this policy and entering into an agreement for a term of years was following a precedent established by Russia and France.

Your

Your Imperial Highness further points out that this Legation was informed that whenever an American Company desired to lay a cable from Japan to China satisfactory arrangements would be made for them to do so, and that the agreement referred to was a petition prepared by the great Northern Telegraph Company submitting certain propositions to His Excellency Li which had been approved by him. But Your Imperial Highness omits to add that you informed this Legation that these propositions had not been submitted to His Imperial Majesty, and conse-

-quently

-quently had not been approved by him. From this declaration Mr. Holcombe, then in charge of this Legation, drew the natural and indeed necessary inference that the proposed monopoly was void and of no effect, and hence he did not lay before Your Imperial Highness further and more positive declarations as to the light in which my Government would view the granting of the proposed monopoly which he was instructed to place before you, (and which it may become my duty to submit to Your Imperial Highness.

As the Foreign Office has

has but recently again informed this Legation, in a verbal communication with Mr. Holcombe, that the petition of the Great Northern Telegraph Company has still not been laid before the Throne nor approved by it I feel bound to express the earnest hope that Your Imperial Highness will find no difficulty in recommending to His Imperial Majesty that the petition of the Company should be put aside and the injurious effects removed which an approval or upholding of it would have upon the interests of China herself and her relations with other

powers

powers.

The request which I thus address to Your Imperial Highness is not based upon any wish to injure the legitimate ends and interests of the Great Northern Company, to which I wish every success which it may be able to obtain in fair competition with other companies or individuals, but is dictated solely by the necessity of frustrating the unwarrantable attempt of the Company to obtain a monopoly which is contrary, to the spirit of the international engagements entered into by the Chinese Government and the often repeated assur-

ances

ances of Your Imperial Highness that all foreigners were to be treated alike in China, as well as injurious to the political military and commercial interests of China herself.

That such is really the case and that the arrangement proposed by the Great Northern Company in its petition is in no way the same as similar arrangements concluded by other powers, but, that it is an unscrupulous attempt of the Company to profit by the inexperience of the Chinese officials and obtain from or through them such advantages

as

as would never be granted by any other Government. I shall now proceed to prove by taking point for point the arguments put forward in Your Imperial Highness's letter of October, 31st and which I believe may fairly be considered to represent the arguments of the advocates of the arrangement proposed by the Company.

These points are:-

1. - that according to the public law of Europe the right to regulate the Railway and Telegraphic intercourse belonged to the Government of each country.

2.

2. – that the arrangement proposed by the Company to His Excellency Li was the same as the arrangements usually made under similar circumstances by European Governments and even less favourable to the company than those concluded by them with France and Russia.

3. – that it was at a moment when telegraphic communication had to be established for China that His Excellency Li approved of a monopoly to the Company but only for twenty years.

With regard to the first point the right of the Chinese Government

to

to regulate its own policy in railway and telegraphic questions it seems to me that the fact that I transmitted the petition of an American firm to Your Imperial Highness indicates clearly enough that I recognize this right of the Chinese Government. Your Imperial Highness will however have to bear in mind that even the most indisputable right must be exercised with a certain caution and with due regard to the rights and interests of other parties.

The Chinese Government has the undoubted right to shape its own course in the question of

telegraphic

telegraphic intercourse, but the grant of a monopoly for the whole Empire to a single company — and the exclusion of all other companies and individuals from this line of industrial enterprise, is certainly an unfriendly act and will be viewed in that light by all foreign governments, whose subjects and interests suffer under the exclusion pronounced against them by the Chinese Government.

Your Imperial Highness states further that the arrangement proposed by the Great Northern Company to His Excellency Li is the same as those conclud-

ed

-ed by the Great Northern Company with other Governments. This I must contradict most positively.

The arrangement between Russia and the Company was entered into by the Russian Government, because it wanted to obtain telegraphic communication between its possessions on the Pacific and China and Japan. Not wishing to disburse the heavy outlay which the construction of such a line would necessitate the Russian Government accepted the offers of the Great Northern Company to construct it at their own expense and risk-

and

and in order to compensate them for this work which was of the utmost importance to the Russian Possessions on the Pacific, the Russian Government granted to the company for 30 years the exclusive right of landing a cable on the shore of its possessions on the Pacific coast, a nearly uninhabited country with a few towns with hardly 10.000 inhabitants and possessing neither industry nor commerce. The value of this concession for the company lies it is true in the fact, that they can join their cable to the Russian land line from the Pacific coast through Siberia to Europe,

but

but the Russian Government profited itself largely by the fact that this part of the telegraphic communication between Europe and Eastern Asia was gained for the Russian line. With the single exception of the Pacific coast however, that is to say of a small part of the Russian dominions, no concession to the exclusion of others was granted to the company. Can this be compared with the action of China which excludes all competition and enterprise from its whole sea shore teeming with towns counting their inhabitants by millions, as well

as

as from the interior of the Empire, and all for no advantage whatever save a doubtful economy of a few thousand dollars!

And again the Contract between France and the Company.

Telegraphic communications between France on the one side and Denmark, Sweden and Russia on the other had existed for a long time, but they all led through neighbouring countries and in case of political difficulties were likely to be interrupted and so to cause serious embarrassments to the Government as well as to private individuals. Under these circumstances it was quite nat-

ural

wal that the French Govern-
ment should seek to establish
new lines of communication
with the Northern countries—
and so save herself from the
danger of being cut off from—
them. To obtain this end a
concession was granted to the
Great Northern Company for
the construction of a single
line from either Calais or
Dunkerque to Denmark, Swe-
den and Russia. But no mon-
opoly was granted to the company
for the remainder of the French
coasts or dominions nor for her
communications with other—
countries.

But

But says Your Imperial Highness's letter the concession to the Company was granted, when telegraphic communication had to be established for the Chinese Government.

To this statement I beg to demur most emphatically.

The Contract between the China Telegraph Company acting under the auspices and the orders of His Excellency Li Hung Chang and the Great Northern Company referring to the construction of a telegraph line from Tientsin to Shanghai was signed on December, 22nd 1880; by it the Great Northern

Company

Company engaged itself to furnish a certain quantity of material and a certain number of Engineers for the China Telegraph Company at certain prices and salaries and within and for a certain given time. The material had to be delivered in China by May 15th, 1881 and for the work entailed thus upon the Great Northern Company a commission of 10% on the total value of the material i.e. 3932 Tails was given to it. The engineers to be employed in the construction of the line, were to be paid certain salaries fixed in the agreement. There was so

little

little thought then of a conces-
sion to be granted to the Great
Northern Company in order
to induce it to accept these
proposals that on the contra-
ry Article 11 of the Agree-
ment contains the following
stipulation.

For the maintenance of
friendship the China Telegraph
Company hereby promises that
should a separate sea cable be
established at Shanghai they will
give their business to the Great
Northern Telegraph Company —
providing their rates be the-
same as those of the other
company.

The

The so called arrangement between His Excellency Li Hung-Chang and the Great Northern-Telegraph Company was concluded on the 8th of June, 1881, that is to say six months after the conclusion of the contract before mentioned, and after it had been executed already; it is therefore impossible to say that the Chinese Government was bound to make the concessions contained in the latter arrangement in order to secure the conclusion of the former. Even the petition of the Great Northern Company contains no argument to this effect.

Now

Now what are the concessions made to the Great Northern Company.

1. The Chinese Government grants the Company exclusive monopoly for the submarine cables already landed on Chinese territory.

2. Within a period of 20 years the Chinese Government will not allow any other Company or person to land cables in the entire empire including all foreign settlements and Formosa.

3. Within twenty years the Chinese Government will not construct or permit others to construct cables or land lines in opposition to any of the Company's cables.

4.

4. Preference in the construction of new telegraph lines by the Chinese Government will be given to the company.

5. All telegrams for foreign countries emanating from Chinese lines, shall unless directed otherwise by the sender be forwarded over the company's cables to the Russian Possessions on the Pacific coast and thence over the Russian land line.

And what are the obligations of the Great Northern Company in the face of these immense and unheard of concessions by which the Chinese Government, if they were ratified

ied, would deprive itself of the right to extend its own telegraphic system and offend all friendly powers by excluding their subjects from a fair competition in an industrial enterprise?

"The Chinese Foreign Office and the two Superintendents of Trade for the Southern and Northern ports shall be entitled to exchange telegrams with the Chinese Ministers and Consul Generals residing abroad free of charges on the Great Northern Company's Cables in China, Japan and Europe."

It is therefore as I had the honour to remark before, for the doubtful gain of a paltry sum of

a

a few thousand (the Agent of the Great Northern Company in his petition fixed the pecuniary gain which the Chinese Government might have made in a year of unprecedented political activity at $33,300) dollars that the Chinese Government if it ratifies the arrangement with the Great Northern Telegraph Company will barter away its own sovereign rights and the protection of its political, military and commercial interests!

But, might somebody remark, it was in order to gain the advantages accruing to China from the cable between Shanghai and Hong-Kong, - that the agreement was

entered

entered into with the Great North-
ern Company.

This view again could not
be sustained by the fact.

It is by articles 1 and 10 of
the agreement concluded in Oct-
ober, 11th, 1869 between Russia on
the one side and the Great Northern
Company on the other that the Com-
pany bound themselves to lay a
cable from the Russian Possession
on the Pacific to Nagasaki in
Japan and from there to Shang-
hai, Foochow and Hongkong.
It was therefore not to serve the
interests of China that the cable
along its shores was laid and
no concession from China was
necessary

necessary to maintain it there as the Company was bound to that course already by its engagements with Russia.

On the contrary for many years the Chinese Authorities objected most strongly to the landing of the cable of the Company — and its being carried from the landing place to the company's offices in the settlements and even so late as autumn 1874 the Superintendent of the Southern Ports sent instructions to the local authorities at Shanghai to have the land line of the Company between Wusung and Shanghai destroyed.

Your Imperial Highness

-ness having referred in your letter more than once to the wages and laws of Europe with regard to telegraphic conventions and having compared the one attempted to be imposed by the Great Northern Telegraph Company on China with those in existence with other powers I have seen myself obliged to enter into the above details with regard to the arrangement under discussion and I can assure your Imperial Highness, as I believe you will have convinced yourself from the foregoing remarks, that no concession similar to the one claimed by the Great Northern

Company

company has ever been conceded by any foreign government and that none similar would ever be conceded by any one.

It is not from a desire or the intention to meddle directly or indirectly with the internal administration of China that I address Your Imperial Highness again on the subject but from the firm conviction that it is in the interests of the Chinese Government themselves as well as of the Chinese and foreign mercantile community that the telegraphic communication between China and the outer world should not be entrusted to a single

Company

company. Where the erection of a land line or sea line through a company can be obtained only by the grant of a concession the Chinese Government will be fully entitled to take such a course with regard to that line, but generally speaking where more than one company are willing to run the risk of establishing lines at their own expense and without claiming any special advantages it will be in the interests of every one to grant such request as competition is certain to insure cheaper rates and better work while it does away with the apprehension for the Government to see their lines of communication endangered by political

itical complications or conflicts. I have therefore the honour to place again before Your Imperial Highness the request of an American firm at Shanghai to be allowed to land a cable at Shanghai, Foochow, Amoy and Swatow, or if from political or military reasons the Chinese Government should prefer to see a land line established, to grant the permission to lay such a line to the petitioners, who I have no doubt will in either case be willing to give to the Chinese Government the same privileges on their land lines or sea lines, which foreign Governments claim under similar circum-

stances

stances on which the Great Northern Company offers to the Chinese Government viz:- free passage over their lines for messages exchanged by the Tsungli Yamên and the two Superintendents of the Northern and Southern ports with the Chinese Minister and Consuls General residing abroad.

I have the honour, to be,

Your Imperial Highness's

Most obedient Servant.

Mohun Dass

Despatch No. 64.
Enclosure 7.

445/1882.

Mr Young to Messrs. Russell & Co.

Peking, 25th November, 1882.

Gentlemen,

On the 21st October I acknowledged your letter to the Legation dated Oct. 18th, proposing the formation of a new submarine cable company in conjunction with other foreign houses, and asking me to obtain the necessary permission so to do from the imperial authorities. I had a conference with the representatives of Germany, France and England and we united in a despatch to the Yamên, asking that your request be granted, which was presented on the 24th of October.

October.

On the 31 of October Prince Kung replied, declining the required permission on the ground that a monopoly had been granted by the Viceroy Li Hung Chang to the Great Northern Telegraph Company for the period of twenty years. His Highness claimed that in doing so the Chinese Cabinet had followed the example of western powers notably Russia and France.

On the 14th of Nov. the Legation again addressed the Yamen in a long despatch claiming that under our treaties such a monopoly was void, and also shewing that the terms of the concession to the Great Northern Company were in the highest degree injurious to the best in-

wests

wrecks of China, and that no Western Government would allow any private company a franchise so comprehensive irresponsible and vast. He claimed that under the treaties the monopoly was void. —

To this despatch no answer has been received. My impression is that the subject has been referred to the Viceroy at Tientsin. —

I write this to acquaint you with the state of the business entrusted to our care. I can express no opinion as to our success although I am quite hopeful. The temper of high Chinese officials in some recent dealings with foreigners does not encourage us in hoping for much

sympathy

sympathy with western interests. But the discussions between the Yamên and the foreign legations cannot end without a recognition of our rights so complete and absolute that merchants like yourselves in the legitimate pursuit of commerce and industry, and under the protection of treaties, will, hereafter, have no trouble.

I am, Gentlemen

Yr Yr

(Signed) John Russell Young

Opened by mistake
file

Mr. Williams

No. 65. Three Enclosures.

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

Legation of the United States:
Peking, December 1st, 1882.

John Russell Young to the Secretary of State.

Subject.

Better trade facilities at Amoy.

Synopsis.

Refers to dispatch number 55, and forwards further correspondence. Consul instructed to urge the local authorities to allot a suitable plot of foreshore ground to Messrs. Russell and Company.

P

No. 65. Three Enclosures.

Legation of the United States.

Peking, December 1st, 1882.

Honorable F. T. Frelinghuysen

Secretary of State.

Sir:—

Referring to my despatch number 55, in which the Department was informed of the action taken by this Legation in the application of Messrs. Russell & Company of Amoy for better facilities for the prosecution of their business as tea merchants at that port, I have now the honor to enclose a translation of the answer made by Prince Kung. 1/65.

In

In it H.I.H. states that the local authorities have been instructed to examine into the question and report.

I have accordingly
2/65. instructed Mr. Leonard Goldsborough to consult with the Chinese Authorities, and to urge the allotment of a suitable plot of foreshore ground to Messrs. Russell & Company, whom
3/65. I have also informed of the action taken in the premises.

I have the honor to be,

Sir,

Your obedient servant.

Jno Russell Young

Enclosures.

Enclosures.

1. Prince Kung to Mr. Young.
114/1882. November 24th, 1882.
2. Mr. Young to Mr. Goldsborough.
No. 5. November 29th, 1882.
3. Mr. Young to Messrs. Russell & Co.
46/1882. December 1st, 1882.

Despatch No. 65.
Enclosure 1.

No. 114/1882.

Prince Kung to Minister Young.

I have had the honour to receive your despatch of the 11th instant stating that the United States Consul at Amoy reports to you that certain American merchants there ask that a suitable plot of ground outside of the British Concession and on the water front be allotted to them upon which to construct offices warehouses, jetties, etc.- Y. E. remarks that the principal export is tea; that Americans engaged in this business are forced to lease premises in the British Concession, to their serious inconvenience; and

that,

that, if the request be granted, the land concerned would still remain under the exclusive control of the local authorities, as it is not the intention of the Legation to ask for an "American Concession". And you request me to issue the necessary instructions, etc. etc.-

In response I beg to inform you that a copy of your despatch has been sent to the Provincial Authorities at Foochow with instructions to cause an examination to be made in the premises, and to report to this office.

Honourable John Russell Young.
etc. etc.- etc. etc.

November, 24th, 1882.-

Copy No. 5.

Despatch No. 65.

Enclosure 2.

Mr. Young to Mr. Goldsborough.

No. 5.

Peking, November. 29th, 1882.

Sir,

Referring to your despatches numbers 126 and 127 covering an application of Messrs. Russell & Co., for a certain plot of foreshore at your port, I have the honour to inform you that their request has been laid before the Foreign Office.

I did not think it expedient to urge the allotment of the exact spot suggested in Messrs. Russell & Co's., application, but requested H. I. H. to "instruct "the local authorities at Amoy to con-"sult with the United States Consul "there and to set apart a suitable plot "of ground along the water front and

"near

"near the Custom House upon which the
"merchants concerned may be allowed to
"construct offices, warehouses, and jetties for
"their business, upon paying the owners
"of the land a reasonable price for it."

In response H. I. H. Prince-Kung informs me that the local-authorities have been instructed to examine into the request and report.

If therefore they come to you, you will please consult with them in the line of my request to Prince Kung as quoted above.

I am &c

(Signed) John Russell Young.

Corrp. 46/1882.

Despatch No. 65.
Enclosure 3.

Mr. Young to Messrs. Russell & Co.-

46/1882.

Peking, December, 1st, 1882.

Gentlemen;-

Referring to the application of your house at Amoy, made through Mr. Consul Goldsborough, for certain foreshore land at that port, I have now the honour to inform you that orders have been sent by the Foreign Office to the local Chinese Authorities to examine into the question in concert with the United States Consul.

And he has been instructed by me to endeavour to secure a suitable plot of foreshore ground for your house in the conduct of your business

business at Amoy.

I am &c.

(Signed) John Russell Young

Note. It is hoped this very serious question has been pushed by the order of Prince Ching reported by you under date January 17 1883

Miscellaneous

No. 66. Two Enclosures.

Legation of the United States.

Peking, December 2nd, 1882.

DEPARTMENT JAN 15 1883 RECEIVED

John Russell Young to the Secretary of State.

Subject.

Assault on Mr. Sites at Yenping.

Synopsis.

Refers to despatch number 56, and encloses further correspondence. Consul instructed to press the case constantly until settled, and to decline discussion of irrelevant questions.

No. 66. Two Enclosures.

Legation of the United States.

Peking December 2nd, 1882.

Honorable F. T. Frelinghuysen.

Secretary of State.

Sir:-

Referring to my despatch number 56, in the case of assault upon Rev. Mr. Sites at Yenping, I have the honor to submit herewith a translation of the response made by Prince Kung to my request that steps be taken by him to enforce his repeated orders for a settlement. 1/66.

H. I. H. informs me that he has "again sent the most urgent

"urgent instructions to the "
"Provincial Authorities to order
"the case disposed of at once."

I have furnished Mr. Ringate with a copy of Prince Kung's despatch. And I have
2/66. instructed him to press the case constantly until a settlement is reached, and to decline absolutely all further discussion of the question as to the Chinese characters by which the chapel is to be designated.

I have the honor to be,
Sir,
Your obedient servant.

Dr. Russell Kenny

Enclosures.

Enclosures.

1. Prince Kung to Mr. Young.
115/1882. November 24th, 1882.
2. Mr. Young to Mr. Cringate
No. 7. November 29th, 1882.

26.

Despatch No. 66.
Enclosure 1.

Copy.
115/1882.

Prince Kung to Minister Young.

115/1882.

I have the honour to acknowledge receipt of your despatch of the 17th instant in the case of an assault upon Reverend Mr. Sites at Yenping.

In it you remark that nearly a year ago Mr. Holcombe, at that time Chargé d'Affaires reached with me a basis of settlement upon three points, that the records show that I accepted this basis, and instructed the Provincial Authorities to carry it into effect; that you learn that the first of these conditions was complied with, but that no satisfactory proclamations have been issued, and that the restoration

of

of the chapel to the missionaries has been delayed for nearly a year by a discussion as to what characters should be used to designate the chapel. You add that in August of the present year we reached a satisfactory conclusion with me upon this point, and that I agreed to instruct the local authorities to have no further discussion as to the name to be given to the chapel but to comply with the three points at once; and that Mr. Holcombe agreed to advise the missionaries, as a mark of conciliation, to defer for a time putting any sign outside the building. Mr. Holcombe at once carried his

part

part of this agreement into effect, and subsequent correspondence between Mr. Consul Mingan and the Provincial Authorities shows clearly that I did the same. But the Viceroy quietly ignored my orders, continued the discussion about the name to be given to the Chapel, and, as a result, the case is not yet settled. Y. E. hence appeals to me to devise some means to secure the enforcement of my repeated orders to the local authorities, and to have the business disposed of. And you add that you have explicitly instructed the Consul at Foochow to decline any further discussion as to the title or name to be given

to

to the Chapel by the missionaries
&c - &c.

In reply I beg to inform you that I have again sent the most urgent instructions to the Provincial Authorities to order the case disposed of at once.

Honourable John Russell Young.
etc. etc. etc. etc.

Peking. November, 24th, 1882.

Despatch No. 66.
Enclosure 2.

Copy No. 7.

Mr. Young to Mr. Mingan.

No. 7. One Enclosure:

November, 29th, 1882.

Sir,

In reference to your despatch, number 34, covering a further report in the "Yenping Case", I have now the honour to enclose for your information copy of a reply, recently received from Prince Kung, to my request that some positive order might be sent to the Chinese local authorities.

1/4

You will please insist upon a settlement of this case upon the basis of the three points agreed to between Mr. Holcombe and the Foreign Office, and you will absolutely

ly decline all further discussion as to the question of the Chinese characters by which the Chapel is to be designated.

I shall be glad to have you press the case constantly until a settlement is reached.

I am &c

(Signed) John Russell Young.

Enclosure.

1. Prince Kung to Mr. Young.

115/1882. November, 24th, 1882.

Dept
Permission to make purchases
should be personally
asked of the Dept.
Opportunity seems to have
placed very serviceable
books at Mr Young's disposal
The purchases in question
are mentioned in the
accompanying papers.
and the 4 more proof
for the amount
refund - 50 dollars
Jany 17. 83
Crosby

Mr Williams

No. 67. One Enclosure.

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

Legation of the United States.
Peking, December 4th, 1882.

John Russell Young to the Secretary of State.

Subject.

Law books purchased for Legation.

Synopsis.

Has purchased books of reference to the value of $50. Encloses a list and asks to be authorized to draw upon the Department for the amount.

No. 67. One Enclosure.

Legation of the United States.

Peking, December 4th, 1882.

Honorable F. T. Frelinghuysen

Secretary of State.

Sir:-

I recently had opportunity to purchase, at a very considerable reduction from their original price, a few law books for the use of the Legation. As the library here is almost entirely destitute of suitable books for consultation and reference in the judicial work which the person in charge of this Legation is from time to time called upon to

perform

perform, I thought best to make the purchase trusting that the Department would be able to authorize their retention in the library of the Legation.

1/67. I enclose a list of the volumes. The amount involved is only $50. I beg to be authorized to draw upon the Department for this sum.

I have the honor to be,

Sir,

Your obedient servant.

Mr Russell Harry.

Enclosure.

1. List of law books purchased.

Despatch No. 67.
Enclosure.

List of Books purchased.

1. Langdell's cases on Contracts (2 Vols.)	$9.-
1. Stephen on pleading.	3.50
1. Ames's cases on Pleading.	3.00
1. Williams on Real Property.	3.75
1 Washburn on - do - (3 Vols.)	15.50
1 Greenleaf on evidence. (-do-)	15.50
1 Bigelow on Torts.	2.25
1 Ames's cases on Torts. (Second hand)	5.00
1 Wendell's Blackstone (-do- 14 Vols)	4.00
2 Sets Examination Papers (1878 & 1879)	-
½ Box, packing, Expressage & insurance.	22.15
	$ 83.65

The box is marked W.P.S. Customs Peking.-

B/L. sent to Transport Officer. Customs. Tientsin.-

Freight paid at Wuhu Tls. 1.00 =	$ 1.35
	$ 85.00

Purchased by the Legation for $50.-

Duplicate of No. 46 of Oct. 23. 1882. sent Jany 22. 1883. Crider.

No. 68.

DEPARTMENT OF STATE
JAN 15 1883
RECEIVED

Legation of the United States.

Peking, December 5th, 1882.

John Russell Young to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbers 43. 44. 45, and 47, have been received. No. 46. has not come to hand.

Oct. 23. 1882.

J

No. 68.

Legation of the United States.

Peking December 5th, 1882.

Honorable F. T. Frelinghuysen

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of Department instructions, numbers 43. 44. 45. and 47.

Number 46. has not yet come to hand.

I have the honor to be,

Sir,

Your obedient servant.

Mr. Russell Young.